

# The Reasoning By Nodding For Ibn Ashur Through Liberation And Enlightenment (Surat Al-Nur) As A Model

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**Abstract--** Reasoning by nodding is one of the methods of proving the proper description of the ruling, as it is one of the paths of the bug that the diligent deliberately seeks to extract the illness from the text to reach the appropriate judgment. It is an deductive mental process of utmost importance in the work of analogy, especially in the cause of investigation. Surat Al-Nur included among the purposes often related to the provisions of the cohabitation of men with women, and the etiquette of mixing and visiting, so it was the share of what the nodding involved in these rulings are: the limit of adultery, the punishment of those who spit the women in marriage, the provisions for curse and the rulings for seeking permission to enter the inhabited houses of people and enter the houses of others Inhabited. It was an applied model in explaining by gestures through the book of Tafsir: Al-Tahrir and Enlightenment by Ibn Ashour, which included many benefits and kindness while being keen to touch the wisdom and the occasions of the provisions and legislation.

**Type of Paper---** Review

**Keywords:** Reasoning By Nodding For Ibn Ashur, Liberation and Enlightenment, (Surat Al-Nur) As a Model

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## Introduction

Praise is to God, Lord of the worlds, and prayers and peace is upon the Messenger of God and his family, companions, and those who guide him until the Day of Judgment....

And after...

Qiyas is one of the agreed sources in Islamic legislation, because it has a great deal of weight in the jurisprudence and times of the age, so it is imperative to discuss its conditions and pillars. Among these basic pillars, and in order for the mujtahid to produce the disease in its correct form, he must follow the fundamentalist methods to reach the appropriate judgment for it. This is known as the pathways of the disease. Paths of disease depend on diligence. It is a process of mental deduction carried out by the mujtahid to arrive at the appropriate reason for judgment. There are several types of techniques that fundamentalists mention in their books, and one of them is gesture behavior. Gesture logic is of the utmost importance in the process of measuring and eliciting judgments, as it has received much attention from fundamentalists, especially in investigations of the disease. The wide areas were in linking rulers with appropriate causes and causes. Among those who had a great influence on nodding inference was the great scientist and translator, jurist Muhammad al-Taher ibn Ashour, from a family from Andalusia whose origins go back to the supervision of the Maghreb, so he is a scholar, judge and mufti of the origins of the Maliki school of thought. He was born in 1296 AH-1879 AD. He taught at Al-Zaytoonah University, and was proficient in Sharia sciences, language and literature, and was a correspondent member of the Arabic Language Academy in Damascus and Cairo. He has many books, including Al-Tahrir and Enlightenment, and he is an author on interpretation, and it has many and nice benefits, taking care that wisdom and occasions are affected by rulings and legislation. It is a contemporary book that served the sciences of interpretation, origins, language and literature. I chose to study the nodding inference of Ibn Ashour through his book Al-Tahrir and the Enlightenment, and I

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chose Surat Al-Nour as a model, because it included several rulings, including fornication, slander and insult, and the rulings on permission and insult. Rules of women. The title of my research is tagged (The Reason by Nodding for Ibn Ashur through Liberation and Enlightenment: Surat Al-Nur as an example). As for the research plan, it consisted of three topics:

- In the first section, I spoke about the meaning of nodding explanation.
- Then the second topic showed the types of nodding among the Solites.
- And the third topic mentioned applications in Surat Al-Nur through interpretation of Tahrir and Enlightenment.
- The first topic: Definition of gesture and its relationship to explanation
- The first requirement: the meaning of gesture in language and idiomatically

**The gesture is the language:** it refers to the meaning of the sign, it is said that the gesture is if it is pointed, and the signal is a reference to the organs such as the head, the hand, the eye and the eyebrow, such as when the patient shakes his head when kneeling and prostrating [1,2,3].

**The gesture idiomatically:** It is a conjunction with a description that had it not been for this description or equivalent interpretation, he would have been far from the street [4,5,6,7]. It denotes the causality through the sign of commitment because it is understood in terms of meaning and not in terms of the word [8]. The foregoing explains the relationship between linguistic and idiomatic definition. The linguistic definition has a sensory meaning, as it is a sign of the eye or head, etc.,

#### **The second requirement: the relationship of gesture and explanation**

Before we mention the relationship of the gesture to the interpretation, it is necessary to know the reason, which is: To mention the reality rule, and explain the reason for its occurrence before mentioning the ruling. Because the cause is preceded by the causative [9]. . As God Almighty said: "If there was no book from God in advance, I would have suffered a great torment" [10]. Al-Jarjani said: (It is a report that proves the impact of the influential person) [11]. Accordingly, the inference by gesture: is to prove the description accompanying the judgment through the verbal correlation to extract the appropriate reason for the judgment, and then the gesture was one of the problematic paths in the section of analogy, but the disagreement occurred among scholars about whether it is considered a separate section in itself or included in the types of textual behavior. The Hanafis and the Malikis went on to include them in the path of the text, where they divided the text into two parts: the explicit and the gesture [12, 5, 13, 4]. The Shafis and some of the owners of Imam al-Qurafi and al-Shushawi went to make it a separate branch by itself [14, 15, 16, 17]. No matter how implied or partial the gesture in and of itself, it is one way to prove the correct description of the reason.

#### **The second topic: Types of gesture**

The fundamentalists have divided the nodding into several ranks, but I will limit myself to mentioning the divisions of the origins of the Malikis, considering that the great scholar Ibn Ashur is one of the scholars of the Malikis.

#### **The first requirement :Divisions of the origins of the Maliki School:**

**First place:** the order of judgment on the description [17,16] or, as Ibn al-Hajib said: (the fall of the eye is evident) [4], which is whether he mentions the ruling of the Prophet after an incident has occurred, so he: knows that that incident caused that judgment, or he gives a related answer By describing until he knows that this is the reason for that question [18]. An example of the first is what the Arab told the Messenger of God: (My family fell in Ramadan) [19] and in a narration: (I fell to my wife while I was fasting) [20]. This is evidence that the fall is the cause of penance. Because the Bedouin presented his story to the Prophet to clarify its ruling, and mentioned the ruling as an answer to him in order to achieve his purpose, lest the question emerge from the answer. - Delaying the statement beyond the time of need, so the question is evaluated in the answer, so he said: It happened, and it was disbelief [4]. An example of the second: what Saad mentioned, and he said: I heard the Messenger of God - may God bless him and grant him peace - asking about buying dates with wet, then he said to those around him: If the dates dry up, they said: Yes. So he forbade him [21], and this hadith indicates that the Messenger question was not ignorant of the lack of wetness if it dried out. Because everyone knows that, but his question is to alert the listener to the reason for the prevention, so the listener remembers the reason for the ruling when he comes, so that it is closer to his acceptance of the judgment, as if the excuse is absent from the listener, it may be difficult for him to receive and he needs it. Himself from jihad that he does not need if he knows about the

disease [17]. Some Malikis, including al-Qarafi and al-Shawi, have indicated that the order issued in the ruling in the description in the statement of the description is a reason for this ruling, whether the description is appropriate for that ruling or not [17, 16]. According to him, most of the fundamentalists did not ask for the occasion when explaining with gestures [12, 8, 14, 22]. However, Ibn al-Hajib stipulated the occasion in the case of understanding the mind by way of a gesture of the occasion, and if he does not understand the logic of the occasion, then it is not required, so the gesture himself becomes independent in the statement. From the commentary [23, 4,].

**The second position:** differentiating between two rulings with two different descriptions [4,23,17 ], and they are two different types: The first: in the adjective time: as saying the (the knight has two arrows, and the man has one arrow) [18,24]. And his saying, (The murderer will not inherit) [21]. The first hadith shows the rulings of the knight and the man, and the second hadith only the killer and his heir objected. The second: in the form of the purpose: as God Almighty said: “Do not come close to them until they are purified.” [14] So there is a difference in the ruling between menstruation and purity.

**The third:** In the exclusion formula: As God Almighty said: “Half of what you want, unless he forgives them” [25], then between the difference between imposition and pardon.

**Fourth:** In the condition: As saying: (If these items differ, sell whatever you want) [26]. The difference between the different items is permissible here, and the items are agreed upon, so selling them leads to usury.

**Fifthly:** in the form of awareness: As God Almighty said (God does not charge you with stupidity on your oath, l 18844 you accuse you of what you have divided) [27] The difference between nonsense and faith is a complex.

**The third rank:** for the legislator to mention an appropriate description along with the ruling. It is not permissible to present it without an excuse [4, 18]. However, Imam al-Qurafi placed it in the rank, where the description made the reason for judgment whenever it was found, whether it was appropriate or not [16]. An example is the saying of the Prophet: (A judge does not rule between two if he gets angry) [19]. And in the novel: (They do not spend a judgment between two when angry) [20]. This warning that anger is the reason why a judgment is inadmissible. Because it gets confused in the eyes and causes confusion [4]. Likewise, his saying: ((It is not unclean), rather it is a rafting on you) [21] If the circumambulation is not a reason for denying the impurity, then there is no point in mentioning it with this ruling [18].

**Fourth place:** Forbidding the act of being forbidden from being obligatory [17, 16]. The proverbs of God Almighty said: “Oh who is safe” [28]

**God Almighty said:** They divide the sale, the sale must be prevented. Because it is forbidden to strive to do the obligatory action on Friday, so this is a matter of warning about the reason, and that the prohibition of selling is. The reason for engaging in the act of Friday, and therefore the prohibition includes everything that distracts him from Friday, such as eating and drinking, and the like [17].

**Fifth place:** (loyalty) the mind: the Malikis differed in determining this rank, whether it is of the rank of gesture or in the context of the text, and it is one of the paths of illness and ways of knowing it. This disagreement, which seems based on the disagreement about making the gesture a separate division in itself, or that it enters the context of the text and is considered one of its types. Al-Qarafi and al-Shushawi said that making (Al-Faa'a) is one of the ranks of gesture, whether it is arranged or commented. Whether it is from the words of the text of the street - the book and the Sunnah - or from the narrator's words, whether he is the narrator's jurist or not. And whether you entered the description or the verdict [17, 16]. Ibn al-Hajib continued to make (al-Fa`ah) in all its previous types a type of textual course and considered it a model for the explicit text [4].

#### **Some Malikis have a detailed saying on this**

**Al-Tlemceni went to detail it as follows [18]**

- 1) If you include an ax in the text, whether it is a book or a Sunnah, then it is considered a type of text behavior.
- 2) If you enter the investigation of the narrator's words, it is considered within the ranks of nodding.

**Ibn Rashid al-Maliki also addressed in details:**

- 1) If the response is to the comment, it is considered one of the types of alert and gesture.
- 2) If it is to achieve the order, i.e. the arrangement of the judgments on grounds in the form of the condition, then it is considered a type of behavior of the explicit text.

**I will give an example for each of these types:**

- An example of (Wafa) refrained from commenting, as if he says: (Wash him with water and Sidr, and shroud him in two clothes, and do not embalm him, and do not place his head on his head, for God will raise him on the Day of Resurrection in a garment.) [26]. Ihram is the reason for preventing perfume [17], and fulfillment is included in the description [4].
- An example of (loyalty) is the example of the Almighty saying: (And their hands were cut off the thief and the thief) [29] and his saying: (Wail the vessel and the fornicator a whip) [30]. This is the order of judgment on the cause in the form of the condition and the penalty by fulfilling. And the reason for cutting theft and the reason for flogging fornication. Otherwise, the speech was not structured and there was no context. [13]. Valva entered the ruling [4]. However, Ibn al-Najjar considered it from the fulfillment of the suspension because it is the ruling after a description attached to it [7].
- An example of (fulfillment) entered into the narrator's words, which is the transmission of an act issued by the Prophet or someone else, and planned, and it is useful to explain that ruling by that action [18]. This is what Abdullah bin Masoud narrated that the Messenger of God missed the prayer, so he performed the two prostration of forgetfulness after speaking [19]. This indicates that forgetfulness is the cause of prostration. This reasoning is accepted by the narrator, whether he is a jurist or not, because if he did not understand the order of the description rule he would not say it [4]. The second requirement: the divisions mentioned by the fundamentalists and the Malikis did not address them.

**First: What Al-Zarkashi and Al-Shawkani mentioned [8] among the types of nodding such as:**

- 1) His denial of those who claim that he did not create a creation for purpose or wisdom, such as what God Almighty said: "Did you think that we created you in vain" [31] and God Almighty says: He forsook man in vain [32].
- 2) His refusal to reconcile the similar and differentiate between the similar. For the first example of the Almighty's saying: "Do we make Muslims criminals what you have?" How do you judge? [33] And God Almighty says: "Or we make those who believe and do righteous deeds corrupt on earth, or we make the righteous like the ungodly" [34]. The second example of God Almighty says: (The believers and believers are guardians of one another) [35] And God Almighty says: (The hypocrites and the hypocrites have awakened from each other) [36].
- 3) The statement of non-judgment is an objection, such as the Almighty's saying: If the people were not a single nation, they would disbelieve mercy [37].

**Second:** What was mentioned by Ibn Qudamah al-Maqdisi, Ibn al-Najjar and al-Shawkani [38, 7, 6] that gesture is one of the types of gestures, which governs the description, but in the form of the punishment shown? And the interpretation, as God Almighty said: He who commits apparent immorality, the penalty will be doubled. [39] And God Almighty says: Whoever is with God and His Messenger and does righteous deeds, we will give it twice. [40]. He was sentenced to punishment for his condition and accompanying him, so there is no meaning for the reason except for what follows the ruling and his presence. The third topic: Thinking by nodding in Surat Al-Nur with interpretation of liberation and enlightenment. First: In the words of the Almighty: "The fornicator and the adulterer beat every one with a hundred lashes" [41]. This verse begins with the phrase "the fornicator and the fornicator," which is the form of the name of the subject who came in a position that begins with the meaning of the condition, and a thousand and lam denotes the name of the relative as if he said: "He who committed fornication then flogged the one who committed fornication [6, 42] In the answer to the condition as if it has become. The meaning of the punishment, then the judgment order is executed. Punishment [43]. As for Ibn Ashur, he called Fa'a the muezzin, and he said: (The first speech is like the title and translation in the tab, followed by the completion of the muezzin, that what comes after him is in the strength of the answer, what comes after it is in the strength of the condition) [44]. He considered the whole sentence as a verb in the present tense, referring to the description of the event in the present tense, and this is supported by the words of God Almighty: "Every one of them and the flogging is the result of confusion because of it. [44]. That is, the assumption that the context of the flogging order is based on the description, because flogging is a punishment resulting from the events of a crime that ensues [44]. We have already mentioned that the mind has differed in determining its type, whether it is within the types of gesture or under the types of text, and it seems that Ibn Ashur went to those who said: Logic is achieved in the ranks of gesture and consideration of the order of fulfillment, that is, what is entailed by judging the cause in the form of the condition and punishment.

**Second:** The Almighty said: An adulterer can only marry an adulterer or a partner, and an adulterer does not marry her except an adulterer or a partner, and this is forbidden for the adulterer [45]. The reason for the descent of Abu Dawood in his year. He said: "Murtad ibn Abi Murtad al-Ghanawi was carrying prisoners in Makkah, and in Makkah there was a

prostitute called for you, and she was his beloved. He said: I came to the Prophet I said: O Messenger of God. So he called me and read it to me and said: I do. Do not marry her) [46, 21] Based on that, it is not necessary for every adulterer to marry accept one who adulterers or an idolater, and this is forbidden for the believers, as if he said: If you know the issue of the adulteress and reach ugliness, do not marry her. This includes an explanation of what is forbidden or forbidden [47, 43]. In this verse, Ibn Ashur said in the interpretation of the verse: (The sum of the verse is intended to legislate without a narration, because God Almighty said at the end of it, "and it is forbidden for the believers," and because it is sh meant by the legislation is, rather, an introduction to the end of it, with an explanation of what is in the end) [44]. 18846

contrast to what we have mentioned in the ranks of gesture according to the order of judgment with description, as it he said: Do not marry her because she is an adulterer or a polytheist, so the prohibition rules on the description, which is: adultery or engagement This is what Ibn Ashur referred to.

**Third:** God Almighty says: "Those who cast their husbands and testify only themselves, so the testimony of one of them contains four testimonies." [48]. and this verse has the reason for this revelation, which Al-Bukhari mentioned in his Sahih, and he said: (Hilal bin Umayyah defamed his wife the Prophet Bishrk bin Suhamah, he said: The Prophet is the evidence or from your back. He said: O Messenger of God, if one of us sees his wife a man who comes out and asks for evidence, he has made The Prophet said: The evidence is on your back, otherwise it is on your back. Truth, I am truthful, so let God give the punishment that He forgives on my back, so Gabriel descended and descended upon him: "And those who expelled their husbands" until he reached "if he is of the truthful" [49] [20]. In his statement and the testimony of one of them: The testimony was absolute, accompanied by fulfillment of the conditional meaning, and appreciation: The testimony of one of them - husband or wife - is required to testify four certificates, so the testimony of one of them to remove the penalty of defamation is four certificates [42]. This, Ibn Ashur said: (This indicates that the four are starved instead of the witnesses) [44]. Accordingly, the conditional sentence related to fulfillment, which entered the judgment in the form of the condition, was the decree that God Almighty commanded that one of them testify with four testimonies. This is from the ranks of nodding, although some al-Maliki made it under the ranks of the explicit text.

**Fourthly:** The Almighty's saying: "The wicked is to the wicked, the wicked is to the wicked, and the good is to the good, and the kind to the good" [50]. In this verse, the descriptions of men and women are mentioned, and they are: the good and the wicked, so the blame is on guardianship, meaning that the wicked are the bad men, that is, the men who are pertinent to them. Do not pass them over to others, and the same applies to the righteous woman. [43] Ibn Ashour showed that this inference revolves around the state of something in a state of comparison and the like, meaning that the comparison is evidence of the state of the two companions in good and bad [44]. It seems that Ibn Ashur deduces the thing on the thing in terms of comparing two different rows of significance to prove the ruling for these descriptions, and through the malicious description of the good, he shows that the judgment when it is associated with the good perfume enters the door of veneration and the permissible, and when it is combined with the righteous frustration it enters the chapter of sanctity, and this is one of the degrees of justification By nodding, which is the distinction between two judgments with different descriptions.

**Fifthly:** O you who believe! Do not enter houses other than your own homes until you settle down and greet their people. It is better for you. You may remember them. You did not find someone in them. You did not enter them until you were authorized. What appears to you and what you hide? [51] God Almighty has honored and favored the sons of Adam in homes and covered them in them, and their king blessed them alone, and the creation stone for them to see what they have from outside or enter them without the permission of their companions. Lest anyone see their shame. [42]. Taming in language is an expression of self-awareness in sitting and reassurance, and its origin is stillness and steadfastness, and it may reach the meaning of research and inquiry, so it is said: taking a man. Care: that is, permission and insight [1, 9]. And accordingly, He, Glory be to Him, for what is mentioned in the verse until you tame - work on reaching domestication, whether in terms of comfort and sitting, or with a sense of sight and inquiry. So we find Imam Al-Razi who made the term Al-Sha'biyyat, meaning sitting and reassuring, as he said: (God Almighty has made recklessness, lack of permission, and caring for a person no. Unless permission is obtained after obtaining permission) [47]. Permission in T is for the peace of the verse: until you become natural and obtain in the sense that permission is sought, then it is sought. But seeking refuge with peace came as a way to alert the street to the previous reasons, because the verse that came after it confirmed that the reason was the request for permission, because God Almighty said: (You do not have to enter uninhabited homes). Evidence of the prohibition on entering homes for his sake, which is the condition that the houses be inhabited, as it is not safe to enter them without permission to consider what is not permissible to look at, such as revealing shame. And other conditions. But it is permissible to lift the permission in every home that is not inhabited by anyone because of the

disappearance of the disease, and the ruling is removed [42, 47] As for Ibn Ashur, he took the meaning of seeking refuge from the rest that he gets from sitting and reassuring, and this is a nice metaphor for permission, meaning that he asks for permission and he does not have permission from his master. From home to indoors. He said: (On the face of it, his ear indicates that his ear does not detest his entry, and if he dislikes his entry, he did not permit him, and God is aware of what preceded him, so he expressed the request for permission to seek advice, along with evidence in this for the reason for the legitimacy of the permission) [44] Then he showed that asking for permission and peace is a duty, and both are absolutely forbidden, and the prohibition does not take effect except when they occur. But the context of the verse came to indicate permission and not peace, because peace stipulated its legitimacy at the beginning of Islam, and it was not limited to entering homes, but was mentioned with permission to protect it. And not to forget it for the worshiper, or that permission is sufficient and rewarding with peace, as he collected. Verse; so permission and greeting with sympathy, this indicates that if he gave permission for peace, or vice versa, the required thing has happened, which is the request for permission to enter the house [44]. Then Ibn Ashur mentioned after tracing the verse and said: (If you do not find anyone, then if someone thinks that the house is inhabited by people, he may enter it in the absence of his companions without their permission, in order that the mistake has begun. Be prepared, but the reason is that they dislike seeing what they love to hide from their private affairs [44]. Accordingly, we find that Imam al-Razi made the reason for entering houses a request for permission and made them one of the evils to which the text pointed out, while Ibn Ashur made the reason for entering homes is the hatred of the people of the house to see what they like to cover up their private affairs. This inference by nodding is to differentiate between two rulings with different descriptions according to the purpose, meaning that if the entry is authorized, this indicates that the people of the house do not hate to see what they love to cover, and in not permission to enter indicates that the people of the house hate to see what they love to cover. As for the second verse, which states that it is permissible to enter uninhabited houses, that is, to be placed for the housing of a certain sect, but for those who need it, who is, and if they need to enter. He may enter it without permission, because it is not prepared for housing, so there is no need to equip it, as in inhabited houses [43,44] . Ibn al-Arabi and al-Qurtubi explained the goods mentioned in the verse: "There are good for you." That it be from the benefit and the combination of the right of usufruct, and that entering inside these uninhabited houses has interest and demand for something. Such as taverns, scientific schools, travel homes, and others [52, 42]. Accordingly, Ibn Ashour indicated that this logic is gesture, which is that if it is not beneficial to enter it, it is not permissible because it is. Narrowing those who need it. The permissibility of entering these homes came for the sake of utility and demand for necessity, and in the absence of benefit it is not permissible to enter these houses [44].

**Sixth:** God Almighty said: The ruling of a woman who does not expect her to stop her joking in not wearing her clothes adorns with an ornament and seeks well for her. And God is All-Hearing, All-Knowing. [53] Among the excluded from the general population and they are the rules. Some of their clothes are reserved for them, so they are permissible unless others are authorized to them, and the cost of restricting them. They are removed. God Almighty's mercy and mercy on them [42, 44]. The grammar in the language is a plural of the leader, who is a large old mirror, and it is pronounced without distraction because she is one of the seated [3]. Like pregnant and menstruating women, these descriptions are for women only [44]. Ibn Ashour said: (Sickness was borrowed for lack of ability because anesthesia prevents the attainment of desires. Rather, a woman's desire for a child and menstruation is the cause of childbirth. When he borrowed for that and prevailed over use, it became the standard description in this sense of the female. Stop menstruation, and there is no desire among everyone, and no one is related to them in their marriage. [42] As for blaming and founding: it is either in the sense of the communicator or in the sense of the described. However, Ibn Ashour ruled out that it be in a related sense and favors the described [43, 54].

## Conclusion

- 1) Nodding is one of the methods of proving that it has an appropriate description of the sting.
- 2) Reasoning by nodding is a mental process of establishing the associated description of a judgment by means of verbal association to extract the appropriate cause of the judgment.
- 3) The difference of fundamentalists in determining the position of nodding is whether it is considered an independent course by itself or within the course of the text, and it did not affect the action of the gesture.
- 4) The Malikis and those with them among the fundamentalists divided the gesture into five ranks, and they agreed on four of them .And they differed in the reasoning by fulfillment.

- 5) The reasoning is by fulfillment from them who placed it within the ranks of nodding, and some of them placed it within the ranks of the explicit text, and this difference is based on their disagreement in determining the rank of nodding as an independent course or not.
- 6) Some of the fundamentalists added ranks for nodding, the details of which were not mentioned by the Malikis.
- 7) Six verses in Surat Al-Nur dealt with by Ibn Ashur that came with the explanation by nodding and these were about: adultery, cursing, seeking permission and rules from women. 18848
- 8) The reasoning by fulfillment according to Ibn Ashur is considered one of the ranks of nodding and it came of all kinds .Fulfillment with judgment or description or with the words of the narrator.
- 9) As for the rest of the verses, it came within the rank of differentiating between two rulings with different descriptions, one with the adjective and the other with the purpose.

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