

Qiyās in Islamic Law: A Comparative Study of the Shāfi'ī school and the Zāhirī School in Contemporary Legal Reasoning

Qiyās dalam Hukum Islam: Studi Komparatif Mazhab Syāfi'ī dan Mazhab Zāhirī dalam Penalaran Hukum Kontemporer

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Abstract

This article examines *Qiyās* as a controversial style of Islamic legal reasoning through a thorough comparison of the ideas of the Shāfi'ī school and the Zāhirīs and its consequences for contemporary jurisprudence. It is based on the major *uṣūl al-fiqh* sources and modern legal theory. It argues that the Shāfi'ī school's conception of *Qiyās* is a systematic extension of textual rulings, based on a carefully defined 'illah and a hierarchically ordered set of evidences, providing a systematic but flexible framework in dealing with new cases. Conversely, the categorical rejection of *Qiyās* by the Zāhirī school demonstrates a purposeful commitment to textual literalism, valuing certainty of scripture meaning over analogical extension, and considerably confining the scope of legal innovation. The primary findings are that these different views towards *Qiyās* lead to different models of legal rationality. The Shāfi'ī school's model includes reason within the limits of revelation, whereas the Zāhirī model restricts reasoning to the express phrasing of the texts. The contribution of this study to scholarship is twofold: it clarifies the conceptual trade-offs between doctrinal fidelity and normative adaptability; and it offers a theoretically informed bridge between classical *uṣūl al-fiqh* and the contemporary conversation on legal analogy, norm extension, and the responsiveness of Islamic law to the challenges of new issues.

Abstrak

Penelitian membahas *Qiyās* sebagai metode penalaran hukum Islam yang sering jadi perdebatan, dengan membandingkan pemikiran the Shāfi'ī school dan mazhab Zāhirī serta dampaknya pada hukum Islam masa kini. Penelitian ini menggunakan sumber utama *uṣūl al-fiqh* dan teori hukum modern. Menurut the Shāfi'ī school, *Qiyās* adalah cara memperluas aturan-aturan teks dengan menggunakan 'illah yang dirumuskan secara jelas dan dalil yang disusun secara berurutan, sehingga bisa menangani kasus baru secara sistematis dan fleksibel. Sebaliknya, mazhab Zāhirī menolak *Qiyās* secara tegas dan lebih memilih makna pasti dari teks, sehingga ruang inovasi hukum jadi terbatas. Hasil penelitian menunjukkan bahwa perbedaan pandangan tentang *Qiyās* menciptakan model rasionalitas hukum yang berbeda. Model the Shāfi'ī school memberi ruang pada akal dalam batas wahyu, sedangkan model Zāhirī hanya mengandalkan teks eksplisit. Penelitian ini berkontribusi dengan dua hal: pertama, menjelaskan pertukaran antara kesetiaan pada doktrin dan kemampuan adaptasi norma; kedua, menawarkan jembatan teori antara tradisi klasik *uṣūl al-fiqh* dan diskusi hukum Islam masa kini tentang analogi, perluasan norma, dan respons hukum terhadap masalah baru.

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INTRODUCTION

Qiyās, or analogical reasoning, is a fundamental method in Islamic jurisprudence (Usul al-Fiqh) used to derive legal rulings for new situations not explicitly addressed in the Quran and the Sunnah. The term *Qiyās* means measuring or comparing, and in this context, it involves extending a known ruling from an original case (*Asl*) to a new case (*Far'*) based on a shared underlying cause (*'Illah*).¹ In Islamic jurisprudence, *Qiyās* was one of the key secondary legal evidence, and became a necessary approach to deal with new challenges that arose with the extension of the Islamic state to different cultural and legal surroundings. The method ensures that analogical reasoning aligns with the principles of Sharia through a rigorous process.²

The significance of *Qiyās* is that it enables Islamic law to be flexible, especially regarding new legal problems not directly addressed by the Qur'an or Sunnah. *Qiyās* also contributes to the coherence and consistency of legal reasoning by demanding that new verdicts be based on known legal principles. In addition, its implementation has given rise to a great deal of academic debate and has helped in the development of Islamic jurisprudence. This is why *Qiyās* is still necessary for the contemporary legal researcher and jurist who are facing modern legal difficulties.³

The Shafii school and the Zahiri school represent two distinct approaches to *Qiyās* in Islamic legal theory. While the Shafii school recognizes *Qiyās* as a legitimate basis for legal derivation, the Zahiri school denies its authority and prioritizes the literal meaning of the Qur'an and Sunnah. The Shāfi‘ī school considers *Qiyās* to be a valid secondary source of Islamic law, alongside *ijmā'*, after the primary sources of the Qur'an and the Sunnah. The Zāhirī school, however, disapproves of *Qiyās* on doctrinal and methodological grounds, as it regards that legal rulings can be obtained only from the explicit textual instructions of the Qur'an and the Sunnah. On this view, analogical reasoning is an illegitimate extension of legal authority beyond the text.⁴

The topic of *Qiyās* has been discussed at considerable length in the classical and modern literature on Islamic jurisprudence, particularly with regard to its legal

¹ Abd al-Hakim Abd al-Rahman As'ad Al-Sa'di, *Mabahith Al-'Illah Fi Al-Qiyas 'inda Al-Ushuliyin*, 2nd ed. (Beirut: Daar al-Basya'ir al-Islamiyyah, 2000), p. 54.

² Sanuri Sanuri, “The Strategic Role of Qiyas Theory on Elasticity of Islamic Law in Solving Contemporary Issues,” *Al-Qanun*, 2024, doi:10.15642/alqanun.2023.26.2.137-148.

³ Mohammad Omar Farooq, “Analogical Reasoning (Qiyas) and the Commodification of Women: Applying Commercial Concepts to the Marital Relationship in Islamic Law,” *ICR Journal* 3, no. 1 (2011): 154–80, doi:10.52282/icr.v3i1.585.

⁴ Omar García Sánchez et al., “The Zāhirī School between East and West: Tracing the Development of Islamic Legal Literalism from Baghdad to Cordoba Abstract:,” *Indonesian Journal of Islamic Law* 08, no. 1 (2025): 51–68, doi:https://doi.org/10.35719/xh45z858.

significance, flexibility, and the diverse positions adopted by different schools of thought. Recent scholarship illustrates this breadth. Anshori et al. (2025) elaborate Ibn Ḥazm's rejection of *Qiyās*, highlighting the doctrinal arguments of the *Zāhirī* school against analogical reasoning.⁵ Hasan Assidiqi et al. (2023) underline the modern and multidisciplinary value of *Qiyās* by showing how analogical extension contributes to the elasticity of Islamic law in addressing contemporary issues.⁶ Rahman et al. (2022) emphasise Ibn Ḥazm's pivotal role in legal thought⁷, while Sanuri (2024) examines the strategic role of *Qiyās* in solving modern legal challenges and maintaining the adaptability of *Sharī'ah* norms.⁸ Syah et al. (2023) explore the applicability of *Qiyās* in Islamic economics and finance, thereby demonstrating its practical relevance beyond traditional doctrinal debates.⁹ In addition, Vishanoff (2017) analyse the *Shāfi'ī* school's legal theory and discuss the relationship between *Qiyās* and other forms of reasoning such as *istiḥsān*.¹⁰

The objective of this study is to examine how *Qiyās* is conceptualized and justified within the *Shāfi'ī* and *Zāhirī* jurisprudential frameworks and to assess the implications of these divergent approaches for contemporary Islamic legal reasoning. Specifically, the article aims to reconstruct the key doctrinal and methodological assumptions that underlie the *Shāfi'ī*'s use of *Qiyās* and the *Zāhirī* school's rejection of it, and to compare how these assumptions shape their respective models of legal rationality. By focusing on this theory-driven comparison rather than on an exhaustive survey of all aspects of *Qiyās*, the study seeks to clarify the conceptual trade-offs between analogical extension and textual literalism and to show how this classical debate can inform current discussions on the adaptability and authority of Islamic law. In doing so, the article fills a gap in the existing literature by shifting attention from isolated analyses of either the *Shāfi'ī* or *Zāhirī* positions, or from applied discussions of *Qiyās* in specific fields, to a structured reconstruction of their underlying models of legal rationality and their relevance for present-day jurisprudential debates.

This study adopts a qualitative, theory driven comparative methodology to investigate the way of the *Shāfi'ī* and *Zāhirī* jurists understand and employ *Qiyās* in Islamic legal reasoning, and the extent to which these understandings are relevant for modern jurisprudential discussions. This study is based on close textual analysis of

⁵ Ahmad Yani Anshori and Landy Trisna Abdurrahman, "History of the Development of Mazhab, Fiqh and Uṣūl Al-Fiqh: Reasoning Methodology in Islamic Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 1 (2025): 273–98, doi:10.22373/sjhk.v9i1.25355.

⁶ Ali Hasan Assidiqi, Dini Sadiyah, and Muhtahid, "Pemikiran Qiyas Dan Implementasinya Di Era Modern," *Moderasi : Journal of Islamic Studies* 3, no. 2 (2023): 131–44, doi:10.54471/moderasi.v3i2.45.

⁷ Shahid Rahman, Farid Zidani, and Walter Edward Young, "Ibn Ḥazm on Heteronomous Imperatives. A Landmark in the History of the Logical Analysis of Norms," *Synthese Library* 454, no. June (2022): 139–71, doi:10.1007/978-3-030-90749-5_8.

⁸ Sanuri, "The Strategic Role of Qiyas Theory on Elasticity of Islamic Law in Solving Contemporary Issues."

⁹ Muhammad Baharudin Syah and Muhajirin Muhajirin, "Legality of Qiyas in Legal Terms: The Implementation in Islamic Economics and Finance," *Al-Amwal : Jurnal Ekonomi Dan Perbankan Syari'ah* 15, no. 2 (2023): 273–86, doi:10.24235/amwal.v15i2.14364.

¹⁰ David R. Vishanoff, "A Reader's Guide to The *Shāfi'ī* school's Epistle on Legal Theory (*Al-Risāla*)," *Islam and Christian-Muslim Relations* 28, no. 3 (2017): 245–69, doi:10.1080/09596410.2017.1289705.

classical works of *uṣūl al fiqh* and chosen legal cases, supplemented by engagement with recent scholarship on Islamic law and legal analogies. Primary sources are the Shāfi'ī's fundamental texts in *uṣūl* and *furū'*, and representative treatises of the Zāhirī school that articulate their opposition to *Qiyās* and textual literalism. These writings are analyzed in their doctrinal and historical context to rebuild the epistemic assumptions of each school about revelation, reason, and legal reform. Methodologically, the study is divided into three stages. First, it provides an analytic framework that translates salient features of *Qiyās* such as the making of '*illah*', the ranking of authorities, the handling of doubt, and the approach to new situations into comparative categories. Second, this approach is used to the Shāfi'ī school and Zāhirī corpora to discover convergences and divergences in how *Qiyās* is justified, limited or rejected. Third, the findings are synthesized through a reflective normative analysis that connects these classical models to modern legal reasoning, specifically discussions on analogical deduction, norm extension, and the tension between doctrinal faithfulness and flexibility. This technique enables the study to go beyond descriptive comparison and to explain the conceptual implications of the Shāfi'ī school and Zāhirī approaches for present-day Islamic jurisprudence, thereby operationalizing the research gap identified in the Introduction and providing a systematic framework through which the classical debate over *Qiyās* and textual literalism can be reassessed in light of modern legal reasoning.

DISCUSSION

The Shāfi'ī's Justification of *Qiyās* and Its Jurisprudential Impact

In the Shāfi'ī school's legal philosophy, *Qiyās* is not an unconstrained use of human reasoning, but a strictly regulated means of expanding the application of textual evidence. He places analogical reasoning in a distinct hierarchy of legal sources, underneath the Qur'ān, the Sunnah and *ijmā'*. A proper parallel for the Shāfi'ī school can only be used to apply principles already established by revelation, not to introduce separate legal rules.¹¹ This is crucial to his legal rationality; reason is allowed to be productive in legal interpretation, but its extent is tightly constrained by the authority of revealed texts. At the heart of al Shāfi'ī's justification lies the handling of the effective cause ('*illah*').¹² For this school of thought, the '*illah*' is not an arbitrary creation but a perceptible feature that can be inferred from textual signs and the practice of the early Muslim community. Its identification has to be in conformity with clear evidence, in conformity with the overall objectives of the Sharī'ah and in conformity with the original case (*aṣl*) and the new case (*far'*) in a non-contradictory manner. The point of these conditions is to ensure the anchoring of analogical extension in revelation, and to prevent

¹¹ Abdul Halim and Muhlizar Muhlizar, "Relevance of Qiyas in Contemporary Legal Determination : Analysis of the Perspective of Usul Fiqh," *Journal Corner of Education, Linguistics, and Literature* 4, no. 001 (2024): 649–54, doi:10.54012/jcell.v4i001.457.

¹² Muḥammad ibn Idrīs The Shāfi'ī school, *Al-Risālah Fī Uṣūl Al-Fiqh*, 1st ed. (Jeddah: Daar al-Minhaj, 2014), <https://dn721907.ca.archive.org/0/items/FP143795C/143795C.pdf>, pp. 118-119.

it from degenerating into speculative lawmaking. In this way, ‘illah acts as a finely calibrated bridge between divine commands and social realities.¹³

This idea has profound consequences for the jurisprudence. Al Shāfi‘ī offers a way for the law to deal with instances not specifically covered by the sources by defining *Qiyās* as the process through which specific textual injunctions are extended as norms to cases outside the particular instance. This concept is shown by the classic extension of the prohibition of wine to other intoxicants. Al Shāfi‘ī does not make the analogy on the basis of an independent moral perception but rather on the knowledge that drunkenness is the ‘illah underlying the original prohibition.¹⁴ Once such a cause is established and proven it can be used to judge new situations with similar consequences. In this way the law is adapted to the changing conditions, while remaining faithful to its initial command. Similar logic can be used in concerns of inheritance and finance, but always within the confines of textual laws governing the Islamic law of inheritance. From this perspective, the Shāfi‘ī’s method is not to create new categories of heirs, but to provide a framework for dealing with new issues by connecting them to existing legal principles through a common ‘illah. For instance, Qur’ānic verses are cited in support of ideas such as family responsibility or unjust enrichment, which are then applied by analogy to complex modern circumstances.¹⁵ The idea is that the generality of rules is always presented as unfolding of textual instruction, never as departure from it.

This approach implies a sophisticated cooperation between revelation and reason at the level of legal rationality. Reason is always needed for interpretation of texts, for determination of ‘illah and the consistency of the legal system, but reason is never permitted to legislate unilaterally. *Qiyās* thus becomes the institutionalized form of this partnership; a method that accepts the requirement of human judgement and insists on the operation of such judgement within a well-defined epistemic boundary.¹⁶ The Shāfi‘ī’s justification of *Qiyās* provides a template for modern Islamic legal thinking in which legislation can be adapted to new conditions without losing its claim to be revelation based. It demonstrates how analogical extension, when properly controlled, may be a tool of continuity and not disruption.¹⁷

Zāhirī Rejection of *Qiyās* and Commitment to Textual Literalism

The Zāhirī school, of whom Ibn Ḥazm is perhaps the best-known exponent, offers a thorough critique of *Qiyās* based on a different conception of legal rationality.

¹³ Mohammad Fadel and Ahmad Hasan, “Analogical Reasoning in Islamic Jurisprudence: A Study of the Juridical Principle of Qiyas,” *Journal of Law and Religion* 15, no. 1/2 (2000): 359, doi:10.2307/1051524.

¹⁴ Abdoul-hamid Ouedraogo, Wan Mohd Yusof Wan Chik, and Ahmad Iqbal Mohd Fadzli, “The Similarity Between Ijtihād, Qiyās, And Ta’līl: A Foundational Study in Light of The Objectives of Sharī‘ah,” *JFatwa: Journal of Fatwa Management and Research* 31, no. 1 (2026): 261–88, doi:https://doi.org/10.33102/jfatwa.vol31no1.755.

¹⁵ Syah and Muhajirin, “Legality of Qiyas in Legal Terms: The Implementation in Islamic Economics and Finance.”

¹⁶ M. Dolores Martínez-Cazalla, Tania Menéndez-Martín, and Shahid Rahman, “Parallel Reasoning by Ratio Legis in Contemporary Jurisprudence. Elements for a Dialogical Approach,” *Logic, Argumentation and Reasoning* 22 (2021): 163–87, doi:10.1007/978-3-030-61438-6_9.

¹⁷ Farooq, “Analogical Reasoning (Qiyas) and the Commodification of Women: Applying Commercial Concepts to the Marital Relationship in Islamic Law.”

Analogical reasoning is problematic for the *Zāhirī* jurists since it relies on conjectural elements, which are not guaranteed by revelation. They claim that when legal verdicts are predicated on humanly manufactured *‘illah* and analogical extensions, the distinction between divine command and human opinion becomes frighteningly thin.¹⁸ Thus, their rejection of *Qiyās* is both epistemically cautious and theologically concerned: only standards that can be explicitly established from the apparent phrasing of the texts (*zāhir al nass*) should be accepted as binding.¹⁹

Instead of *Qiyās*, the *Zāhirīs* champion textual literalism and the semantics of revelation as the main engines of legal reasoning. Their interpretative effort is concentrated on the clear meanings of Qur’anic verses and Prophetic reports, on the grammatical and rhetorical devices that indicate obligation and prohibition, and on the numerous forms of textual implication which can be discovered without reference to build causes. Its purpose is to exhaust the interpretive options of the writings themselves, rather than derive general *‘illah* that can be removed from those texts and used to new contexts.²⁰ This viewpoint is based on a fundamental skepticism of the capacity of human reason to establish universally sound legal rationales that could claim divine power. Methodologically, this commitment involves a specific constellation of strengths and limits.²¹

On the other side, it increases the sense of assurance and humility toward revelation. The *Zāhirī* method constrains jurists from legislating outside of unambiguous textual evidence, thus reducing the possibility of attributing to God rules He did not clearly articulate. The limits of the law are the limits of the corpus of the scripture, the possibilities of the broad human legislation are limited.²² At the same time, however, this commitment also limits the system’s potential to handle scenarios that are not closely textually parallel. The distinction between the *Shāfi’ī* and *Zāhirī* approaches is especially apparent in modern issues such as organ transplantation and contemporary financial dealings. The *Shāfi’ī* school is more likely to employ *Qiyās* to derive a ruling in the case of organ transplantation by associating the new situation with well-established principles such as the preservation of life and the removal of harm; the *Zāhirī* school would need an explicit textual basis before extending legal permissibility. In modern financial transactions, we find the same pattern. The *Zāhirī* school would be limited to the literal scope of the Qur’ān and Sunnah, while the *Shāfi’ī* school might assess new instruments by analogy, finding a common *‘illah* with contracts or prohibitions already known. This

¹⁸ Nabil Shehaby, “Illa and Qiyas in Early Islamic Legal Theory,” in *Islamic Legal Theory: Volume 1*, vol. 1, 2017, 307–26, doi:10.4324/9781315251721-24.

¹⁹ Rifat Yıldız, “Ta’wīl in Ibn Hazm’s Understanding of Usūl,” *Cumhuriyet İlahiyat Dergisi* 24, no. 3 (2020): 1199–1217, doi:10.18505/cuid.786517.

²⁰ Abu al-Ḥasan Ali ibn Abi Ali ibn Muhammad Al-Amidi, *Al-Ihkam Fi Ushul Ahkam*, ed. Abd al-Razzaq ‘Afifi, 1st ed. (Al-Riyadh: Daar al-Shami’i, 2003), <https://dn760002.eu.archive.org/0/items/WAQ26547/eoaa3.pdf>.

²¹ Robert M. Gleave, “Conceptions of the Literal Sense (*Zāhir*, *Ḥaqīqa*) in Muslim Interpretive Thought,” in *Interpreting Scriptures in Judaism, Christianity and Islam: Overlapping Inquiries*, 2016, 183–203, doi:10.1017/CBO9781107588554.009.

²² Shehaby, “Illa and Qiyas in Early Islamic Legal Theory.”

comparison shows that the Shāfi'ī method is more flexible in dealing with new realities, whereas the Zāhirī method keeps a stricter textual boundary in legal reasoning.²³

Considering similar groups of cases, the difference from the Shāfi'ī's paradigm emerges. A Shāfi'ī jurist can generalize the 'illah of prohibition of intoxicants from wine to a wide range of substances.²⁴ But a Zāhirī jurist would be hesitant to pronounce such things unlawful, unless they are named in the texts or there is a clear indication. In inheritance law as well, the Zāhirī method often eschews the analogical addition of new heirs and depends on explicit textual norms, even if this results in gaps that are not easily filled.²⁵ The pattern is not coincidental, but rather represents a legal reasoning that values the stability of textual meaning over the adaptability offered by analogical construction.

The Zāhirī rejection of *Qiyās* is normatively a form of Islamic law that maximises the safeguarding of textual boundaries and minimises speculative reasoning. It shows a willingness to submit to the constraints which this attitude imposes on the flexibility of the law as the required price for the preservation of the purity of divine legislation. In contemporary talks about reform of Islamic law, the Zāhirī stance provides an important counterbalance to the excitement over analogy. It reminds reform-oriented jurists that expansion of norms through *Qiyās* has epistemic and theological consequences and attempts to innovate in the name of revelation must be properly evaluated. In this regard, the Zāhirī paradigm is not just anti *qiyas*; it is a different perspective of what it is for law to be really rooted in scripture.²⁶

Comparing the Shāfi'ī school and Zāhirī Models of Legal Rationality: Case-Based Reflections

A comparison of al Shāfi'ī and Zāhirī views on *Qiyās* indicates more than a technical difference over a particular technique of deduction. It reveals two alternative theories of legal rationality, its respective advantages and disadvantages, and consequences for modern Islamic jurisprudential thought. Epistemically, the contrast might be seen in terms of how each school conceptualizes the relationship between revelation and reason. Al Shāfi'ī accords to reason a constructive, but subordinate role: it is allowed to identify 'illah, to classify cases and to maintain systematic coherence, as long as its actions stay within the limitations laid forth by the scriptures and *usūl al fiqh*. This collaboration is articulated in the formal device of *Qiyās*.²⁷ The Zāhirīs, however, confine reason mainly to the duty of grasping what the texts plainly say. They deny it the

²³ Sumiyati Sumiyati et al., "Ontological and Epistemological Disequilibrium: Harmonization of Islamic Financial Accounting Standards and the Economic Political Interests in Indonesia to Maqasid'ul-Shari'ah," *Journal of Islamic Accounting and Business Research*, no. November 21 (2025): 1–16, doi:10.1108/JIABR-12-2024-0545.

²⁴ Nail Okuyucu, "Al-Shāfi'ī's Theory of Intra-Source Abrogation and Its Interpretations in Shāfi'ī School of Thought," *Islam Arastirmalari Dergisi* 2020, no. 43 (2020): 1–44, doi:10.26570/isad.650133.

²⁵ Mokdad Arfa Mensia, "Dogmatics, Theology, and Philosophy in Averroes," in *Interpreting Averroes: Critical Essays*, 2018, 27–44, doi:10.1017/9781316335543.003.

²⁶ Delfina Serrano, "Paternity and Filiation According to the Jurists of Al-Andalus: Legal Doctrines on Transgression of the Islamic Social Order," *Imago Temporis - Medium Aevum* 7 (2013): 59–75, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84930340303&partnerID=40&md5=4b30911ae37adb356f7d4e829c7d37c6>.

²⁷ Ouedraogo, Chik, and Fadzli, "The Similarity Between Ijtihād, Qiyās, And Ta'līl: A Foundational Study in Light of The Objectives of Shari'ah."

power to make new rules by analogy, claiming that such rules are not indisputably attributable to divine will. The epistemic gap is made obvious in case-based reasoning.²⁸

The issue of new intoxicants is a clear example of the difference between the Shāfi'ī and Zāhirī schools. The relevant passage is the Qur'ānic ban of khamr the original instance (aṣl) is intoxicating wine and the effective cause ('illah) is intoxication. The Shāfi'ī jurist would draw the prohibition decision by *Qiyās* for a new substance of intoxication, based on the common 'illah derived from the text, and the application of the text to the new circumstance (far'). In contrast, a Zāhirī jurist would often not go beyond the actual words of the revelation, unless there is a direct textual basis for doing so. This example illustrates how the Shāfi'ī technique permits legal adaptation by disciplined analogical reasoning, but the Zāhirī method enforces a more rigid textual boundary in legal interpretation.²⁹

These models indicate substantial trade-offs. The Shāfi'ī's framework of analogy is highly flexible but must continuously struggle with the task of regulating 'illah and the danger of subjective reasoning overpowering textual limitations.³⁰ The tension is alive and well in the range of academic perspectives about the validity of particular comparisons. The Zāhirī model, however, offers a straightforward criterion of validity, namely conformity with the obvious meaning of the texts, but at the expense of a diminished ability to respond imaginatively to new situations. No one model is simply better.³¹ Each paradigm addresses the tension between doctrinal fidelity and practical responsiveness in a different way.

These comparisons have two important consequences for current Islamic legal theory. First, it illustrates that the controversies over the use of *Qiyās*, maqāṣid al sharī'ah, and substantive rules reform ultimately stem from fundamental choices concerning legal reason. Those modern jurists who call for wide analogical extensions based on perceived purposes or reasons are aligning themselves, deliberately or unconsciously, with an al Shāfi'ī type paradigm. In denying causal generalization and insisting on exact textual demands they mirror essential parts of the Zāhirī approach. The recognition of these alignments can assist understand the stakes in modern controversies and hence avoid misdescribing them as simply technical disagreements.³² Secondly, the comparative study implies that a productive engagement with modern legal problems would require a more explicit negotiation between different models. The Shāfi'ī's disciplined use of *Qiyās* gives means for dealing with new circumstances³³, while the Zāhirī insistence on

²⁸ Omar Farahat, "Reason-Giving and the Duty to Obey: Perspectives from Classical Islamic Jurisprudence," *Journal of Law and Religion* 36 Farahat, no. 1 (2021): 5–28, doi:DOI: 10.1017/jlr.2020.52.

²⁹ Muhammed Komath, "Rational Force of Analogy / Qiyās in Law : Logic of Law in Islamic and Contemporary Legal Reasoning Muhammed Komath," *Informal Logic: Reasoning and Argumentation Theory and Practice* 45, no. 3 (2025): 423–48.

³⁰ Okuyucu, "Al-Shāfi'ī's Theory of Intra-Source Abrogation and Its Interpretations in Shāfi'ī School of Thought."

³¹ Yıldız, "Ta'wīl in Ibn Hazm's Understanding of Usūl."

³² Luqman Zakariyah, "Al-Shāfi'ī's Position on Analogical Reasoning in Islamic Criminal Law: Jurists Debates and Human Rights Implications," *International Journal for the Semiotics of Law* 30, no. 2 (2017): 301–19, doi:10.1007/s11196-016-9495-4.

³³ Sanuri, "The Strategic Role of Qiyas Theory on Elasticity of Islamic Law in Solving Contemporary Issues."

adherence to the text provides a needed brake on overextension and unnecessary innovation.³⁴ The study shows that *Qiyās* allows the Shāfi'ī school to balance textual fidelity with legal adaptability, whereas the Zāhirī school prioritizes textual certainty at the expense of broader responsiveness to new legal realities.

Normative and Contemporary Implications for Islamic Legal Reform

The comparative analysis of the Shāfi'ī school's acceptance of *Qiyās* and the Zāhirī school's rejection of it carries important implications for ongoing debates on Islamic legal reform. At a normative level, the two models of legal rationality represent contrasting visions of how Islamic law should relate to changing social realities. The Shāfi'ī school paradigm, with its structured use of analogical reasoning, offers a framework in which law can adapt to new circumstances through disciplined extensions of scriptural norms.³⁵ The importance of *Qiyās* is that it can extend existing legal reasoning to new issues by finding a common 'illah, so that jurists can answer new questions in finance, biotechnology and digital life without leaving the doctrinal structure of Islamic law. In this sense *Qiyās* is not a direct equivalent of later *maqāṣid*-oriented reform but a distinct classical method of textual source-based analogical extension.³⁶

At the same time, the Zāhirī paradigm articulates a powerful critique of reform strategies that rely heavily on constructed causes and broad analogical extensions. By insisting on strict textual mandates and minimising recourse to speculative reasoning, the Zāhirī model warns against the risk of transforming human ethical preferences into putatively divine law. In contemporary contexts where appeals to *maqāṣid* and ethical rationality are increasingly employed to justify legal change—whether in family law, economic regulation, or human rights—the Zāhirī stance functions as a methodological reminder that any expansion of norms must be carefully distinguished from explicit revelation and justified with a clear account of its epistemic foundations.³⁷

The tension between these two models is visible in practical domains such as Islamic finance, where *Qiyās* is widely used to derive rulings for complex products and contracts that lack direct textual precedents.³⁸ Within an the Shāfi'ī framework, jurists stress the importance of thorough identification of 'illah and disciplined application of *Qiyās* as a way of maintaining fidelity to revelation while allowing for economic innovation. By contrast, the Zāhirī tradition, especially as represented by Ibn Ḥazm, denies the possibility of extensive analogical reasoning and instead adheres to a stricter textual methodology that limits legal interpretation to the explicit indications of the

³⁴ Yıldız, "Ta'wīl in Ibn Hazm's Understanding of Usūl."

³⁵ Eva Kepplinger, "Rethinking Maqāṣid Al-Sharī'a: Promises, Limits and Practice in Aḥmad Al-Raysūnī's Thought," *Religions* 17, no. 5 (2026), doi:10.3390/rel17050618.

³⁶ Andri Winjaya Laksana et al., "Integrating Maqasid Al-Shari'ah in Contemporary Islamic Legal Reform on Drug Policy," *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 416–39, doi:10.32332/milrev.v4i1.10665.

³⁷ A A Miftah, "Refusal on Qiyas and Implications for Development Contemporary Islamic Law (Study on the Ibn Hazm Critics to Qiyas)," *International Journal of Innovation and Applied Studies* 8, no. 4 (2014): 1545–53.

³⁸ Abu Talib Mohammad Monawer et al., "The Actualization of Maqāṣid Al-Sharī'ah in Islamic Finance: A Conceptual Framework," *International Journal of Islamic and Middle Eastern Finance and Management* 15, no. 5 (2022): 847–64, doi:10.1108/IMEFM-06-2020-0293.

Qur'ān and Sunnah.³⁹ The resulting debates underscore those choices about *Qiyās* and textual literalism are not merely historical curiosities but actively shape how Islamic law engages with global markets and technological change.⁴⁰

Similar dynamics appear in broader reform discourses that invoke *maqāṣid al-sharī'ah* as a philosophical basis for rethinking Islamic law in relation to human rights, gender justice, and environmental ethics.⁴¹ Proposals to reconstruct jurisprudence as a purposive, systems-oriented framework often rely on forms of reasoning that extend the spirit of scriptural norms far beyond their original contexts.⁴² In this environment, the Shāfi'ī school's model of regulated analogical reasoning provides an important historical reference for how such extensions might be disciplined and justified, while the Zāhirī critique highlights the need to maintain transparency about where revelation ends and human ethical deliberation begins.⁴³ The comparative perspective developed in this article therefore contributes to current discussions by clarifying that reform strategies are, in effect, negotiations between analogical and textualist rationalities, each with its own promises and risks.⁴⁴

Taken together, the implications of this study suggest that contemporary Islamic legal reform cannot be adequately understood without attention to the underlying models of legal rationality that structure juristic argument. The Shāfi'ī school's defence of *Qiyās* demonstrates how classical tools of *ijtihād* can be mobilised to support adaptive and *maqāṣid-oriented* interpretations, while the Zāhirī insistence on textual literalism exposes the epistemic vulnerabilities of expansive analogical projects. Rather than advocating a simple preference for one model over the other, the comparative findings invite modern jurists, fatwa councils, and legal theorists to consciously articulate how they balance analogical extension and textual fidelity in their work.⁴⁵ By doing so, they can better situate their reform efforts within a transparent and intellectually coherent framework that honours both the normative authority of revelation and the practical demands of contemporary life.

³⁹ Serrano, "Paternity and Filiation According to the Jurists of Al-Andalus: Legal Doctrines on Transgression of the Islamic Social Order."

⁴⁰ Ahmad Zakirullah Mohamed Shaarani et al., "The Analysis of Qiyas on Numbers/Muqaddarāt and Its Application in Contemporary Muamalat," *Journal of Fatwa Management and Research* 31, no. 2 (2026): 534–67, doi:10.33102/jfatwa.vol31no2.715.

⁴¹ Zahrul Mubarrak et al., "The Urgency of the Islamic Law and Contemporary Societal Challenges: The Flexibility of Al-Maslahah in Determining the Hierarchy of Maqāṣid Al-Sharī'ah," *El-Usrah: Jurnal Hukum Keluarga* 8, no. 1 (2025): 344–65, doi:10.22373/pxydd884.

⁴² Zul Ikromi and Hellen Lastfitriani, "The Conceptual Evolution of Maqāṣid Al-Syarī'ah: A Historical Study of the Transformation of Major Principles in Islamic Thought" 6, no. 2 (2026).

⁴³ Zakariyah, "Al-Shāfi'ī's Position on Analogical Reasoning in Islamic Criminal Law: Jurists Debates and Human Rights Implications."

⁴⁴ Ahmad Yani Anshori and Landy Trisna Abdurrahman, "History of the Development of Maḏhab, Fiqh and Uṣūl Al-Fiqh: Reasoning Methodology in Islamic Law," *Samarah* 9, no. 1 (2025): 273–98, doi:10.22373/sjhk.v9i1.25355.

⁴⁵ M. Harir Muzakki, Masykur Rozi, and Ali Akhbar Abaib Mas Rabbani Lubis, "AL-JUWAINI'S IDEAS AND THE DEVELOPMENT OF ISLAMIC LAW: A Shifting Paradigm from the Inadequacy of Qiyas as a Method of Ijtihad to Mashlahah," *Ulumuna* 29, no. 2 (2025): 822–50, doi:10.20414/ujis.v29i2.1185.

Table 1. Comparative Overview of The Shāfi'ī school's Legal Methodology and the Zāhirī's Model of Analogical Reasoning.

Aspect	The Shāfi'ī's Model	The Zāhirī's Model
Use of <i>Qiyās</i> (Analogical Reasoning)	Considers <i>Qiyās</i> as a central method of legal reasoning, while maintaining that its application must remain regulated by textual evidence (<i>naṣṣ</i>) and established legal principles.	Rejects <i>Qiyās</i> as a form of subjective and speculative reasoning that may introduce human assumptions into divine law.
View on Revelation and Human Reasoning	Recognizes the role of disciplined human reasoning in extending revealed rulings to new circumstances while remaining within the boundaries of revelation.	Emphasizes strict textual literalism as a means of preserving objectivity and preventing interpretive deviation from the explicit meanings of revealed texts.
Legal Flexibility and Adaptability	Seeks to balance fidelity to textual sources with the need for legal adaptability in addressing emerging social and contextual challenges.	Restricts interpretive expansion to maintain textual certainty and prevent excessive reliance on human judgment.

Source: Author's interpretation.

The table above shows the different attitudes of the Shāfi'ī school and the Zāhirī school about the link between textual authority and human reason. The Shāfi'ī school's methodology seeks a regulated middle ground between revelation and interpretive flexibility, whereas the Zāhirī critique emphasizes textual preservation by constraining speculative reasoning. This methodological distinction reflects a broader dispute in Islamic legal theory regarding the limits of legal interpretation and adaptability.

CONCLUSION

This article has shown that the debate between the Shāfi'ī school and the Zāhirī school on the issue of *Qiyās* is not merely a technical debate over one method of legal derivation, but a deeper methodological debate over the relationship between revelation, textual authority and human reasoning. In the Shāfi'ī school, *Qiyās* is a disciplined juristic instrument by means of which legal rulings can be extended from the textual sources to new cases on the basis of a carefully identified 'illah. In this way, *Qiyās* maintains the supremacy of revelation, while permitting a controlled type of legal evolution in response to conditions not specifically addressed in the foundational texts. In contrast, the Zāhirī school has a more conservative notion of legal reasoning, restricting juristic authority to the apparent interpretation of the Qur'ān and Sunnah and denying analogical extension beyond what is explicitly revealed in revelation. The comparative analysis undertaken in this work demonstrates that the two methods represent different epistemic commitments in Islamic legal thinking. The Shāfi'ī stance allows for more organized legal expansion, whereas the Zāhirī position emphasizes certainty, textual faithfulness, and moderation in the use of human reasoning. Thus, the controversy over *Qiyās* exemplifies a more general contradiction between legal flexibility and interpretive constraint which continues to have

lasting relevance for the doctrine of Islamic jurisprudence. Rather than reducing one approach to a lack of the other, the present study has shown that both models preserve a significant normative orientation: the Shāfi'ī approach emphasizes the need for legal responsiveness within a disciplined textual framework, and the Zāhirī approach emphasizes theological and epistemological limits that should govern juristic interpretation.

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