



The Evidential Analogy (Qiyas) according to al-Bukhari: As Derived from the Chapter Headings of His Sahih

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Abstract:

This article examines a foundational issue in Usul al-Fiqh (principles of Islamic jurisprudence), namely the use of evidential analogy (qiyas) as a method of legal reasoning, according to the doctrine of Imam Abu ‘Abd Allah Muḥammad ibn Isma‘il al-Bukhari (may Allah have mercy on him). This is explored through the chapter headings (tarajim) of his book 'Al-sahih al-Jami‘'. The aim is to ascertain Imam al-Bukhari’s position on this matter and the extent of his reliance on 'qiyas' in deriving the legal rulings he espoused. The study focuses exclusively on those chapter headings in which al-Bukhari explicitly states a legal ruling (ḥukm shar‘ī) or an uṣūlī principle. It does not cover headings where no definitive ruling is given, nor rulings attributed to others unless al-Bukhārī either agreed with or opposed them. The researcher adopts an inductive method followed by analytical reasoning to conclude al-Bukhārī’s position as it becomes evident.

The article begins with a biographical account of Imam al-Bukhari and an introduction to his Ṣaḥīḥ. It also defines the concept of qiyās and clarifies the meaning of tarājim (chapter headings) to establish the precise terms of the research title: The Evidential Analogy (Qiyās) according to al-Bukhari as Derived from the Chapter Headings of His Ṣaḥīḥ.

Introduction:

Praise be to Allah, and peace and blessings be upon the Messenger of Allah, his family, his companions, and all who follow his way, trace his footsteps, and hold fast to his guidance. Indeed, showing devotion to the scholars and leaders of this nation involves studying the intellectual heritage they left behind – a treasure trove of scholarly riches, clear benefits, and subtle insights that testify to their lofty standing, high rank, noble status, and precedence in various fields of knowledge. Even when some of them excelled in a particular discipline to the point of overshadowing their contributions to others, their broader erudition may remain hidden. Among these illustrious imams is Abū ‘Abd Allāh Muḥammad ibn Ismā‘īl al-Bukhārī (may Allah have mercy on him), the author of Al-Ṣaḥīḥ. He was a pioneer across all the religious sciences, yet he did not compose a separate work for each discipline. Instead, he incorporated them into his 'Jāmi‘ Ṣaḥīḥ'. Although its foundation lies in the transmission (riwāyah) of hadith, its true significance far exceeds mere narration. Scholars have continued to draw from it since its composition until the present day, quenching their thirst from its springs and revelling in the purity of its arrangement and excellent organisation. Hadith



scholars have found in it their goal, both in terms of transmission and critical understanding; jurists have found rulings and attributions; and even specialists in language, rhetoric, history, biography, exegesis, theology, literature, and other fields have benefited. However, the *uṣūlī* (principles of jurisprudence) dimension has often been overlooked by those who engage with the book, even though it is the most deserving of attention. For the book, beyond being a collection of hadith narrations, is a work of jurisprudence (*fiqh*), and there can be no jurisprudence without the principles of jurisprudence (*uṣūl al-fiqh*).

Through this study, the researcher aims to contribute to highlighting the value of al-Bukhārī's *uṣūlī* dimension in particular, as he was a *mujtahid* (independent legal scholar) in the principles just as he was in the branches.

Importance of the Topic

The importance of this topic can be summarised as follows:

1. Highlighting an *usuli* dimension of Imam al-Bukhārī (may Allah have mercy on him): Al-Bukhari's name is associated with hadith narration and some aspects of jurisprudence. However, his mastery of *uṣūl al-fiqh* – both in its theoretical foundation and practical application, including analogical reasoning – may be unknown to many.
2. Demonstrating the importance of *qiyās* as a source of evidence among the scholars of this nation, both hadith specialists and jurists: This is achieved by showing that Imam al-Bukhārī, counted among the hadith specialists, used *qiyās* to derive some of his legal rulings.

Reasons for Choosing this Topic:

a. Personal motivations:

1. The honour of contributing to the service of **Ṣaḥīḥ al-Bukhārī**, a book received with acceptance by the nation and the most authentic book after the Book of Allah.
2. Developing the ability to inductively survey, derive, understand, and analyse scholarly discourse, and to grasp the methods of thinking, derivation, and the foundations of their *ijtihād*.
3. The desire to continue on the academic path, particularly the *uṣūlī* path, through research and study.

b. Objective motivations:

1. Highlighting the *uṣūlī* dimension of Imam al-Bukhārī through his '*Jāmi' Ṣaḥīḥ*'.
2. Demonstrating the close relationship and tight interconnection between hadith science and *uṣūl al-fiqh* by showing how these two disciplines converged in the imam of hadith scholars and the commander of the faithful in hadith.

Research Problem:

Through this research, I attempt to answer the following scholarly questions:

- What was al-Bukhārī's position regarding the consideration of *qiyās* as a valid source of Islamic law?



- Does Imam al-Bukhārī (may Allah have mercy on him) consider qiyās as valid evidence, in agreement with the majority of scholars?
- Or does he reject it as a basis for legal reasoning, following the Zāhirī school?
- Did he practically apply analogical reasoning in deriving his legal rulings as expressed in the chapter headings of his 'Jāmi' Ṣaḥīḥ'?
- What is meant by al-Bukhārī's use of certain expressions that suggest a strong rejection of using qiyās as evidence and a valid basis for legal rulings?

Previous Studies:

After searching library resources, both public and academic, consulting scientific websites, and making inquiries, I have not found – to the best of my knowledge – any study dedicated specifically to an uṣūlī examination of qiyās according to Imam Abū 'Abd Allāh al-Bukhārī (may Allah have mercy on him), nor any research clarifying his position on qiyās, demonstrating his reliance on it in deriving legal rulings, or resolving the apparent problem of his rejection of this source of evidence.

Research Methodology:

The nature of this research has required the adoption of two complementary methods:

- a. The Inductive Method (Al-Manhaj al-Istiqrā'ī): I will examine all the chapter headings (tarājim) in al-Bukhārī's 'Jāmi' Ṣaḥīḥ' to extract those in which he explicitly or definitively states a jurisprudential or uṣūlī ruling. These will be collected and form the core of the study.
- b. The Analytical-Derivative Method (Al-Manhaj al-Taḥlīlī al-Istinbātī): This requires analysing al-Bukhārī's practice through the collected headings. I will examine each heading individually where al-Bukhārī's use of qiyās can be inferred, either explicitly or implicitly. I will then group headings belonging to the same topic or subject to weigh them against each other and analyse them collectively, ultimately reaching a conclusion about al-Bukhārī's position and doctrine regarding qiyās.

Research Plan:

The research is structured into an introduction, three sections, a conclusion, and indexes, arranged as follows:

-**Introduction:** Includes the research plan, importance, reasons for choosing the topic, research problem, and methodology.

-**Section One:** Explanation of the terms in the research title.

- First Sub-section: Definition of qiyās.
- Second Sub-section: Biographical account of Imam al-Bukhārī.
- Third Sub-section: Definition of Ṣaḥīḥ al-Bukhārī.
- Fourth Sub-section: The meaning, types, and number of al-Bukhārī's chapter headings.

-**Section Two:** Qiyās as evidence according to Imam al-Bukhārī.

- First Sub-section: The ruling on using qiyās as evidence according to uṣūlī scholars.
- Second Sub-section: Al-Bukhārī's use of qiyās as evidence in the headings of his Ṣaḥīḥ.
- Third Sub-section: Al-Bukhārī's rejection of qiyās in the headings of his Ṣaḥīḥ.



- Fourth Sub-section: Interpretation of the headings in which al-Bukhārī rejects qiyās.

-**Conclusion:** The most important findings of the research, Allah willing, and appropriate recommendations.

Section One: Explanation of the Terms in the Research Title

First Sub-section: Definition of Qiyās

Issue One: Linguistic Definition of Qiyās

In Arabic, qiyās has two meanings:

1. Estimation/Measurement: e.g., "I measured the cloth with the cubit," meaning I estimated its length using it.
2. Equality: It is said, "So-and-so cannot be compared to so-and-so," meaning he is not equal to him.

Issue Two: Terminological Definition of Qiyās (Uṣūlī definition)

As for qiyās in the terminology of uṣūlī scholars, it has been defined in several ways, all revolving around its four pillars: the original case (aṣl), the new case (far‘), the effective cause (‘illah) common to both, and the ruling to be applied. Based on this, qiyās can be defined as: Applying a ruling from an original case to a new case because of a common effective cause between them.

Second Sub-section: Biographical Account of Imam al-Bukhari

Issue One: Al-Bukhārī’s Name, Lineage, Birth, Upbringing, and Death

He is the great Imam, the ḥāfiẓ (master of hadith), the imam of hadith scholars of his time, the model to be followed in his era, preferred over all his peers and contemporaries, the Commander of the Faithful in hadith: Abū ‘Abd Allāh Muḥammad ibn Ismā‘īl ibn Ibrāhīm ibn al-Mughīrah ibn Bardizbah al-Ju‘fī al-Bukhārī.

"Al-Bukhārī" (with a damma on the Bā’ and a faṭḥa on the Khā’) is a nisbah (attribution) to the city of Bukhara in Greater Khurāsān, located in Transoxiana (Mā Warā’ an-Nahr), from which many scholars of various disciplines originated.

"Bardizbah" (Bā’, Rā’, Dāl, Zāy, Bā’ with one dot) is al-Bukhārī’s great-grandfather. It is a Persian word meaning "farmer" in Arabic.

As for "Al-Ju‘fī," it is because his grandfather al-Mughīrah was a Zoroastrian who embraced Islam at the hands of Al-Yamān al-Ju‘fī, the governor of Bukhara, and thus he was attributed to him as his client (mawlā).

Regarding al-Bukhārī’s father, Ismā‘īl, he was a seeker of knowledge. Al-Bukhārī said: "My father heard from Mālik ibn Anas, saw Ḥammād ibn Zayd, and shook hands with Ibn al-Mubārak with both hands".

Imam al-Bukhārī was born on Friday afternoon, on the 13th night of Shawwāl in the year 194 AH (810 CE). He lost his eyesight as a young child. His mother was deeply grieved and wept profusely, stricken with sorrow without resentment. Then one night she saw the Prophet of Allah and His Khalīl (intimate friend), Ibrāhīm (peace be upon him), in her dream. He spoke to her, saying: "O woman, Allah has restored your son’s sight because of your abundant weeping and prayers." When morning came, her son could see, by Allah’s will.



His father, Ismā‘īl, died while al-Bukhari was still a young boy, so he grew up an orphan under his mother’s care, guarded by Allah’s providence and nurtured by His mercy. He turned to seeking knowledge at a very early age, occupying himself with memorising hadith while still at the elementary school (kitāb), not yet ten years old. He frequented the hadith scholars of his city and even corrected an error by Ad-Dākhilī. Ibn Abī Ḥātim said: I asked Abū ‘Abd Allāh al-Bukhārī: "How did your affair begin?" He said: "I was inspired to memorise hadith while I was in the 'kitāb'." I asked: "How old were you?" He said: "Ten years old, or less. Then I left the 'kitāb' after ten years and began frequenting Ad-Dākhilī and others. One day, while he was reading to the people, he said: 'Sufyān, from Abū az-Zubayr, from Ibrāhīm.' I said to him: 'Abū az-Zubayr did not narrate from Ibrāhīm.' He rebuked me. I said: 'Refer to the original.' He went in, checked it, then came out and asked me: 'How is it, young one?' I said: 'It is Az-Zubayr ibn ‘Adī, from Ibrāhīm.' He took the pen from me, corrected his book, and said: 'You have spoken the truth.'" It was asked of al-Bukhārī: "How old were you when you corrected him?" He said: "Eleven years old".

It is said that as a young boy, he memorised 70,000 hadiths, both chains (isnād) and texts (matn). By the time he was sixteen, he had memorised the books of Ibn al-Mubārak and Wakī‘, and understood the jurisprudence of the "People of Opinion" (Aṣḥāb ar-Ra’y). He then travelled with his mother and brother Aḥmad to Mecca. After performing the pilgrimage, his brother returned with their mother, while he stayed behind to seek more hadith.

Imam al-Bukhārī died on Friday night, the eve of Eid al-Fitr, after the ‘Ishā’ prayer, in the year 256 AH (870 CE). He was buried on Eid day after Zuhr prayer in the city of Samarqand, in a village called Khartank. He lived for sixty-two years minus thirteen days. May Allah have abundant mercy on him and grant him a place in the highest Paradise (Firdaws) alongside the Prophets, the Truthful (Ṣiddīqūn), the Martyrs (Shuhadā’), and the Righteous (Ṣāliḥūn). What excellent companions they are!

Issue Two: Al-Bukhārī’s Scholarly Standing

Allah raised the status of Imam Abū ‘Abd Allāh al-Bukhārī and granted him a high position. It suffices that he authored a book considered the most authentic after the Book of Allah, may He be exalted. Indeed, the book’s name has become associated with al-Bukhārī’s own name; it is rarely called 'Al-Jāmi‘ aṣ-Ṣaḥīḥ', but is famously known as 'Ṣaḥīḥ al-Bukhārī'. Indicators of his scholarly standing include:

1. The standing of his teachers from whom he learned knowledge and hadith, and the standing of his students who benefited from his knowledge.
2. The testimony and praise of other scholars.
3. His scholarly legacy.

His Teachers: Al-Bukhārī had a great many teachers, all of whom were authorities in knowledge and hadith. Muḥammad ibn Abī Ḥātim narrated from al-Bukhārī that he said: "I wrote from 1,080 people, all of whom were hadith scholars." Among his most important teachers, who reached the rank of imamate in knowledge and religion, were Imam Aḥmad ibn Ḥanbal (though he did not narrate from him in his 'Ṣaḥīḥ'), Ishāq ibn Rāhawayh (from whom



he narrated thirty hadiths), Aḥmad ibn Šāliḥ al-Miṣrī, Abū Nu‘aym al-Faḍl ibn Dukayn, and others. The greatest influence on his scholarly career, and the most esteemed in his own eyes, was Imam ‘Alī ibn ‘Abd Allāh al-Madīnī, about whom al-Bukhārī said: "I never felt my own self to be insignificant except in the presence of ‘Alī ibn al-Madīnī".

His Students: Many students narrated from al-Bukhārī. The most famous are Abū ‘Īsā at-Tirmidhī, Abū Ḥātim, Ibrāhīm ibn Ishāq al-Ḥarbī, Abū Bakr ibn Abī ad-Dunyā, Abū Bakr Aḥmad ibn ‘Amr ibn Abī ‘Āṣim, Šāliḥ ibn Muḥammad Jazarah. Imam Muslim also narrated from him in works other than his 'Šaḥīḥ'.

Praise of Scholars: The praise of scholars for al-Bukhārī is far too extensive to be mentioned fully here. The imams of Islam filled their pages with beautiful praise and testimony to his leadership in memorisation, precedence in knowledge, imamate in religion, and superiority over peers. Here is some of what was said:

1. Al-Bukhārī himself said: "The companions of ‘Amr ibn ‘Alī al-Fallās debated me about a hadith, and I said I did not know it. They were troubled by this and went to ‘Amr and informed him. He said: 'A hadith that Muḥammad ibn Ismā‘īl does not know is not a hadith'".
2. Ishāq ibn Rāhawayh used to advise students of hadith: "Write from this young man" – meaning al-Bukhārī – "for if he had lived in the time of al-Ḥasan [al-Baṣrī], the people would have needed him for his knowledge of hadith and jurisprudence".
3. Imam Aḥmad ibn Ḥanbal said of him: "Khurāsān has never produced the like of Muḥammad ibn Ismā‘īl".
4. The hadith scholars and scholars of Mecca testified to his imamate, saying: "Muḥammad ibn Ismā‘īl is our imam, our jurist, and the jurist of Khurāsān".
5. Muḥammad ibn Abī Ḥātim said: "I heard Maḥmūd ibn an-Naḍr Abū Sahl ash-Shāfi‘ī say: 'I entered Basra, Syria (Shām), the Hijaz, and Kufa, and I saw their scholars. Whenever the mention of Muḥammad ibn Ismā‘īl came up, they preferred him over themselves'".
6. Muḥammad ibn Abī Ḥātim also said: "I heard Ibrāhīm ibn Khālid al-Marwazī say: 'I saw Abū ‘Ammār al-Ḥusayn ibn Ḥurayth praising Abū ‘Abd Allāh al-Bukhārī and saying: I do not know that I have seen his like; it is as if he was created only for hadith'".
7. Imam Muslim said to him, when asking about a hadith regarding the expiation of a gathering: "Let me kiss your feet, O teacher of teachers, master of hadith scholars, and physician of hadith regarding its defects." He also said: "Only an envious person would hate you, and I testify that there is none like you in the world".
8. Abū ‘Īsā at-Tirmidhī said: "I have not seen in Iraq or Khurāsān anyone more knowledgeable than Muḥammad ibn Ismā‘īl regarding defects (ilal), history (tārīkh), and knowledge of chains (asānīd)".



His Scholarly Legacy: Imam al-Bukhārī left behind numerous books, many authored works, and great contributions, for any single one of which camels would be laden. Among the most prominent are:

1. Al-Jāmi‘ aṣ-Ṣaḥīḥ: The most authentic book in the world after the Book of Allah, and the subject of this study.
2. At-Tārīkh al-Kabīr (The Great History).
3. At-Tārīkh al-Awsaṭ (The Middle History).
4. At-Tārīkh aṣ-Ṣaghīr (The Small History).
5. Khalq Af‘āl al-‘Ibād wa ar-Radd ‘alā al-Jahmiyyah wa Aṣḥāb at-Ta‘ṭīl (The Creation of the Acts of Servants and the Refutation of the Jahmiyyah and the Mu‘aṭṭilah).
6. Al-Adab al-Mufrad (The Unique Manners).
7. Kitāb al-Kunā (The Book of Patronymics).
8. (Aḍ-Ḍu‘afā’ aṣ-Ṣaghīr) (The Small Book of Weak Narrators).
9. (Aḍ-Ḍu‘afā’ al-Kabīr) (The Great Book of Weak Narrators) – considered lost.
10. (Al-Qirā’ah Khalfa al-Imām) (Recitation Behind the Imam).
11. (Raf‘ al-Yadayn fī aṣ-Ṣalāh) (Raising the Hands in Prayer).

Third Sub-section: Definition of Ṣaḥīḥ al-Bukhārī

Issue One: Its Name

'Ṣaḥīḥ al-Bukhārī' is a shortened name, attributing the book to its author. The full name is 'Al-Jāmi‘ al-Musnad aṣ-Ṣaḥīḥ al-Mukhtaṣar min Umūr Rasūlillāh Ṣallallāhu ‘Alayhi wa Sallam wa Sunanihi wa Ayyāmihi' (The Abridged Authentic Musnad Collection of the Affairs, Traditions, and Expeditions of the Messenger of Allah). This title is mentioned by several scholars, including Abū ‘Amr Ibn aṣ-Ṣalāḥ. Al-Ḥāfiẓ Ibn Ḥajar mentioned that al-Bukhārī named his book 'Al-Jāmi‘ aṣ-Ṣaḥīḥ al-Musnad min Ḥadīth Rasūlillāh Ṣallallāhu ‘Alayhi wa Sallam wa Sunanihi wa Ayyāmihi'. Jamāl ad-Dīn al-Qāsimī supported this view.

Issue Two: Its Subject Matter

The primary subject of 'Al-Jāmi‘ aṣ-Ṣaḥīḥ' is the collection of authentic, narrated hadiths of the Messenger of Allah. However, Imam al-Bukhārī had other goals in this great work. Al-Ḥāfiẓ Ibn Ḥajar said: "He then decided not to leave it devoid of jurisprudential benefits and wise subtleties. Using his understanding, he extracted many meanings from the texts and distributed them across the book's chapters according to their suitability. He paid attention to the verses concerning rulings, deriving from them remarkable indications, and adopted broad methods for interpreting them".

Issue Three: Its Scholarly Standing

'Al-Jāmi‘ aṣ-Ṣaḥīḥ' is the first book dedicated solely to authentic hadith, excluding weak ones. Al-Bukhārī saw that previous works included authentic, good (ḥasan), and weak narrations without distinction. He wanted to compile for people only what was authentically reported from the Prophet. The story with his teacher, the hadith and fiqh scholar Ishāq ibn Rāhawayh, strengthened his resolve. Al-Bukhārī said: "We were with Ishāq ibn Rāhawayh, and he said: 'If



only you would compile an abridged book of the authentic traditions of the Messenger of Allah.' He said: 'This fell into my heart, so I began compiling 'Al-Jāmi' aṣ-Ṣaḥīḥ'." He also said: "I saw the Prophet, and it was as if I was standing before him with a fan, driving flies away from him. I asked some dream interpreters, and they said: 'You will drive away falsehood from him.' That is what motivated me to produce Al-Jāmi' aṣ-Ṣaḥīḥ".

The nation has received 'Al-Jāmi' aṣ-Ṣaḥīḥ' with acceptance, considering it the most authentic book after the Book of Allah. This is the doctrine of the vast majority of scholars, except for some Maghrebi scholars who preferred 'Ṣaḥīḥ Muslim'. Al-Bukhārī said: "I have only included authentic hadith in this book, and I have left out even more authentic ones." He also said: "I extracted this authentic collection from six hundred thousand hadiths".

Fourth Sub-section: The Meaning, Types, and Number of Al-Bukhārī's Chapter Headings

Issue One: Linguistic Meaning of Tarājim (Chapter Headings)

'Tarājim' is the plural of 'tarjamah' (translation/heading). Linguistically, 'tarjamah' can mean: explaining/clarifying speech (e.g., Ibn 'Abbās is the 'turjumān' or interpreter of the Qur'an); translating speech from one language to another; or narrating someone's biography.

Issue Two: Terminological Meaning of Tarājim

In the terminology of Islamic sciences, 'tarjamah' refers to the title of a chapter (bāb) used by a hadith scholar or author to indicate his purpose in citing a particular hadith or hadiths.

Issue Three: Types of Headings in Ṣaḥīḥ al-Bukhārī

Examining the headings reveals different styles, indicating al-Bukhārī's various aims:

1. **Explicit Heading:** Directly corresponds to the ruling mentioned in the hadith. Example: "Chapter: Clapping for Women" – matching the Prophet's statement.
2. **Heading Implying the Meaning:** Not a definitive ruling, but a probable phrasing. Example: "Chapter: When someone enters ihram unknowingly while wearing a shirt".
3. **Interrogative Heading:** Asks about a ruling, answered by the hadith cited or indicating apparent contradiction between narrations. Example: "Chapter: When is the hearing of a young child valid"?
4. **Definitive Heading (The Focus of this Study):** Al-Bukhārī definitively states a legal ruling, then supports it with cited hadiths not through direct correspondence but through other inferential methods. This type is what scholars refer to as "Al-Bukhārī's jurisprudence in his headings." Al-Ḥāfiẓ Ibn Ḥajar said: "Hence, the statement of many virtuous scholars became famous: 'Al-Bukhārī's jurisprudence lies in his headings'".

Issue Four: Number of Chapters in Ṣaḥīḥ al-Bukhārī

Scholars differ on the total count due to variations in manuscript copies (some scribes added or omitted headings) and differences in numbering (some combined what others separated). One of the most accurate counts is that by Muḥammad Fu'ād 'Abd al-Bāqī (used in this study), which numbers the books of 'Ṣaḥīḥ al-Bukhārī' as 97 books, containing 3,450 headings, and 7,563 hadiths.



Section Two: Qiyās as Evidence According to Imam al-Bukhārī

First Sub-section: The Ruling on Using Qiyās as Evidence According to Uṣūlī Scholars
Scholars of uṣūl have two main positions on using qiyās as a source of law: affirmation and rejection.

Issue One: The Position of Those Who Affirm Qiyās (Majority)

The majority of scholars (jurists, uṣūlīs, and hadith specialists) affirm the validity of qiyās, with some even claiming consensus. Their evidence includes:

-Qur’anic verses: e.g., "O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger..." (Qur’an 4:59). When no text exists in Qur’an or Sunnah, referral implies qiyās. " -So take warning, O people of insight" (Qur’an 59:2) – here, ‘taking warning’ (i’tibār) is interpreted as analogical reasoning based on the fate of previous nations.

-Prophetic Sunnah: The famous hadith of Mu‘ādh ibn Jabal, when the Prophet asked how he would judge. Mu‘ādh replied: "By the Book of Allah... then by the Sunnah of the Messenger... then I will exert my own reasoning (ajtahidu ra’yī)..." The Prophet approved.

-Consensus of the Companions: Known qiyās practices by Companions without known denial.

-Rational argument: Revelation is finite, while new events are infinite. The only way to know the divine ruling for new matters is through analogical reasoning based on existing texts.

Issue Two: The Position of Those Who Reject Qiyās

The Zāhirīs and some Mu‘tazilites rejected qiyās, a view considered aberrant and contrary to consensus. Their evidence is weak and open to objection. Notably, even rejecters of qiyās often used it in their own fatwas, albeit under different names. Ibn al-Qayyim thoroughly refuted their arguments in 'I‘lām al-Muwaqqi‘īn.'

Second Sub-section: Al-Bukhārī’s Use of Qiyās as Evidence in the Headings of His Ṣaḥīḥ
Imam al-Bukhārī did not explicitly theorise about the validity of qiyās, as his book is not on uṣūl. However, induction through his headings reveals his position. My conclusion, after examining all headings, is that al-Bukhārī affirmed qiyās as a source of legal rulings without doubt or hesitation, agreeing with the majority and opposing the Zāhirīs.

Evidence for this is his frequent use of qiyās in deriving rulings. Examples include:

First: He used the phrase "and the like" (wa naḥwahu) to indicate applying a ruling from a mentioned case to an unmentioned one – which is precisely qiyās. This occurs in four headings:

-Chapter: "The Agency of a Trustworthy Person in a Treasury and the Like"

-Chapter: "When One Finds a Piece of Wood, a Whip, or the Like in the Sea" (Book of Lost Items)

-Chapter: "When the Pledger and the Pledgee Disagree and the Like" (Book of Pledges)

-Chapter: "When Someone Frees a Share in a Slave..." (Book of Manumission)

Second: In the Book of Sales, he said: "Chapter: The Prohibition for the Seller Not to Leave Camels, Cows, Sheep, or Any ‘Muḥaffalah’ (Unmilked Animal)." He deduced the prohibition from a hadith prohibiting leaving camels and sheep unmilked to deceive the buyer. Although



cows are not mentioned, al-Bukhārī extended the ruling to them – and to 'any' un milked animal – due to the common effective cause (‘illah): deceiving the buyer. This is clear qiyās.

Third: Similarly, in the Book of Foods, he said: "Chapter: What is Disliked of Garlic and Legumes." He extended the ruling of disliked garlic (mentioned in hadiths) to all legumes because of the common cause: causing annoyance to fellow worshippers and angels.

Fourth: The clearest example is in the Book of Divorce, under "Chapter of Li‘ān (Mutual Cursing)." He said: "If a mute man accuses his wife by writing, a known sign, or gesture, it is as if he spoke." He analogised the mute's gesture/writing to speech regarding the ruling of li‘ān. He supported this by noting that the Prophet accepted gesture in matters of inheritance. To defend this use of qiyās, he responded to those who would restrict the ruling to spoken words, arguing there is no difference between divorce and accusation in this context, and that the mute's gesture conveys meaning just as speech does.

Third Sub-section: Al-Bukhārī’s Rejection of Qiyās in the Headings of His Ṣaḥīḥ
Some headings in 'Ṣaḥīḥ al-Bukhārī' appear to criticise qiyās and its proponents. However, detailed examination shows that despite using qiyās elsewhere, al-Bukhārī also condemned its misuse. These critical headings appear late in the book, specifically in the 'Kitāb al-I‘tiṣām' (Book of Holding Fast to the Qur’an and Sunnah), as three consecutive chapters.

Fourth Sub-section: Interpretation of the Headings in Which al-Bukhārī Rejects Qiyās

1. "Chapter: Mention of the Blameworthiness of Opinion (Ra’y) and Straining in Qiyās": The use of the Arabic particle 'min' (some) indicates partiality. The blameworthy opinion is that which contradicts a text from Qur’an, Sunnah, or consensus. He rejects strained qiyās, a position agreed upon by the majority of the early scholars (Salaf). He does not reject qiyās fundamentally.
2. "Chapter: What the Prophet was asked about which no revelation had been sent down, so he said ‘I do not know,’ or did not answer until revelation came..." This does not imply rejection of qiyās. It shows that the Prophet would not answer without a foundational principle (aṣl). Qiyās requires an 'aṣl'. Furthermore, al-Bukhārī himself narrated instances where the Prophet used analogical reasoning, such as the hadith about a woman who vowed to perform Hajj but died: "If she had a debt, would you pay it?" The Prophet analogised the debt owed to Allah to a debt owed to a person. Thus, the intended meaning is that the Prophet did not use qiyās when no 'aṣl' existed, or when the question concerned matters where qiyās does not apply (e.g., beliefs or unseen reports).
3. "Chapter: The Prophet’s Teaching of His Nation, Men and Women, of What Allah Taught Him – Not Based on Opinion or Figurative Representation (Tamthīl)": This does not reject qiyās. It emphasises that the Prophet’s Sharia is divine revelation. Even his use of qiyās was approved by Allah. The Prophet did not speak from his own desire (Qur’an 53:3). Moreover, even if the Prophet did not use qiyās (which is debatable), it



does not constitute evidence for prohibiting it for his nation. Some scholars hold that the Prophet was not required to perform ijtihād via qiyās, but his nation is.

Conclusion:

After completing this research, presenting the chapter headings from which Imam al-Bukhārī's use of qiyās as evidence can be understood, as well as those headings in which his rejection of those who use qiyās appears, along with their interpretation, the researcher has reached the conclusion that al-Bukhārī (may Allah have mercy on him) agreed with the majority of scholars in accepting and using qiyās as evidence. This is demonstrated by his application of qiyās in deriving some of his jurisprudential rulings. As for his censure of qiyās and opinion (ra'y) in some of his headings, all of this is to be understood as referring to invalid qiyās (qiyās fāsīd) and blameworthy opinion, such as qiyās that contradicts a clear textual proof (qiyās muqābil an-naṣṣ), or strained, far-fetched qiyās (takalluf fī al-qiyās) where a significant difference exists between the original and the new case, and similar examples. This is not an unprecedented position from al-Bukhārī; rather, it reflects the approach of the early generations (salaf) when they discussed qiyās. Their intention was to regulate and discipline its use, not to reject it outright.

Finally, I urge researchers to apply a similar type of study to the other canonical books of the Sunnah (al-Kutub as-Sittah or others) that are organised according to jurisprudential chapters, as well as to the other sources of Islamic legal evidence (adillah) beyond qiyās – both according to al-Bukhārī and other scholars. This would help to clarify the connection between sacred texts and the principles of jurisprudence (uṣūl al-fiqh), and to understand the uṣūlī opinions of the hadith scholars who were also jurists.

May Allah's peace and blessings be upon His Prophet Muḥammad, and all praise is due to Allah, the Lord of all worlds.

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