

Firāsah as a Basic Condition for Achieving Justice in the Judiciary: An Appraisal of the Views of Ibn Qayyim al-Jawziyyah

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Abstract

The disagreement among scholars in the field of Islamic jurisprudence requires in-depth research to shed light on opposing viewpoints. Unfortunately, Ibn al-Qayyim's (d. 751/1350) view about the use of firāsah (ability to interpret signs and contextual evidence) in the judiciary did not receive much attention, despite his efforts to revitalize traditional jurisprudence by adding new meanings and purposes. This study aims to present a comprehensive view of Ibn al-Qayyim's theory of firāsah in the judiciary. It seeks to answer the following questions: What is Ibn al-Qayyim's vision of firāsah and what is his legal evidence for it? What are the methods for applying it in the judiciary? What is the position of Muslim scholars regarding his views? The study concludes that justice is a very important goal of Islam, and to achieve it, the judge must use multiple means in addition to confession and witnesses, such as indication (qarīnah), sign (imārah), and circumstantial evidence. Successful firāsah depends on two factors: the sharpness of the judge's mind and the clarity of evidence. Ibn al-Qayyim employed several categories of firāsah, including inferring internal states from external gestures, inferring the recondite from facial reactions and tongue slips, etc. He excluded the Greek physiognomy, which infers dispositions from physical features, as it contradicts Islamic teachings. However, most Muslim scholars opposed Ibn al-Qayyim's view, citing authentic Prophetic traditions in support of their views. Ibn al-Qayyim, on the other hand, strengthened his view with Qur'ānic verses and the sharī'ah's objective, which is to achieve justice.

Keywords

Ibn al-Qayyim, firāsah, judge, judiciary, justice, sharī'ah, objectives.

Introduction

Muḥammad b. Abī Bakr (d. 751/1350), commonly known as Ibn Qayyim al-Jawziyyah, was a renowned Ḥanbalī jurist. He took a unique approach to the judiciary that set him apart from his peers. He had a deep understanding of Islam, valued freedom of thought, and had an intelligent insight into matters. Though Ibn al-Qayyim followed his

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teacher Aḥmad b. ‘Abd al-Ḥalīm Ibn Taymiyyah (d. 728/1328), he did not adhere to the approach of his predecessors. His book *al-Ṭuruq al-Ḥukmiyyah fī ‘l-Siyāsah al-Shar‘iyyah* did not receive the recognition it deserved. It attracted more criticism than praise for the innovative ideas it presented. This was due to his disagreement with the scholars of his time, especially the four authoritative schools of Islamic law.

Several treatises written on *firāsah* refer to Ibn al-Qayyim’s work. However, they could not fully address all the aspects of his theory regarding *firāsah* as legal evidence, thus rendering them fleeting. In his research on the science of physiognomy, Hoyland mentioned the work of Ibn al-Qayyim along with the works of other Arab scholars. Ibn al-Qayyim addressed the importance of *firāsah*, which is the ability to interpret signs and contextual evidence, in the judicial system. This was in response to the question of a judge who ruled by employing *firāsah* instead of solely relying on manifest evidence. Ibn al-Qayyim’s methods of physiognomy were based on anecdotes, including deduction by observing human gestures and expressions, as well as permanent bodily features. However, he presented a different spectrum of physiognomy that emphasized the importance of a smart understanding of clues and signs in specific and general jurisprudence.¹

In his article, Ghaly contributed valuable research to the realm of *firāsah* by highlighting the harm caused to people with disabilities by Greek physiognomy. He classified *firāsah* into four styles: sharpness of mind, *qiyāfah*, mystic *firāsah*, and scientific physiognomy which is identical to the Greek concept.² Ghaly referred to Ibn al-Qayyim’s works to discuss the paradoxical standpoints of Muslim scholars in this field, stating that he accepted *firāsah* in its four aforementioned meanings. Ghaly points out that Ibn al-Qayyim’s main goal was to add another type of evidence to the three classic pieces of evidence: confession, testimony, and the defendant’s refusal to take the oath.³ The study focused primarily on the legacy of Muḥammad b. Idrīs al-Shāfi‘ī (d. 204/820). However, Ghaly briefly clarified the standpoint of Ibn al-Qayyim as one of the Ḥanbalī scholars in comparison with others.

In his article, al-Ghutaymil discussed al-Shāfi‘ī’s strict viewpoint on rejecting the deduction of justice from hidden evidence and clues, and ruling by means of *izkān* because it is not mentioned in the Qur’ān and

¹ Robert Hoyland, “Physiognomy in Islam,” *Jerusalem Studies in Arabic and Islam* 30 (2005): 360-402.

² Mohammed Ghaly, “Physiognomy: A Forgotten Chapter of Disability in Islam; The Discussion of Muslim Jurists,” *Bibliotheca Orientalis* 66, nos. 3-4 (2009): 161-97.

³ *Ibid.*, 189.

sunnah.⁴ *Izkān* is discernment (*tafarrus*) and guesswork (*ẓann*) according to Ismā'īl b. Ḥammād al-Jawharī (d. 393/1003). He briefly mentioned Ibn al-Qayyim, who is known for articulating the concept of *firāsah* in all its meanings but limiting its practice to ruling by signs and clues (*firāsah ḥikmiyyah*), not by intuition (*firāsah shar'iyyah*).⁵

‘Awaḍ Abū Bakr reviewed Ibn al-Qayyim’s approach to *firāsah* and highlighted that Ibn al-Qayyim did not differentiate between hidden and apparent evidence. He further disagreed with Ibn al-Qayyim’s stance that all types of *firāsah* should be allowed in judgment, including divine *firāsah* based on intuition.⁶ Abū Bakr also pointed out that the majority of jurists do not agree with Ibn al-Qayyim for several reasons, the most significant of which is the following Prophetic tradition: “You people present your cases to me and some of you may be more eloquent and persuasive in presenting their argument. So, if I give someone’s right to another (wrongly) because of the latter’s (tricky) presentation of the case, I am giving him a piece of fire; so, he should not take it.”⁷

A more scathing criticism was made by Muḥammad b. ‘Alī al-Shawkānī (d. 1250/1834). After refuting all of Ibn al-Qayyim’s arguments and examples, he accused him of saying trivial words due to human weakness. He pointed out that the suspicion—which he referred to as *firāsah*—based on evidence is not equal to testimony and confession. According to al-Shawkānī, Ibn al-Qayyim became confused and failed to understand the scientific methods and legal approaches to ruling.⁸

The present article aims to shed light on a new aspect of Ibn al-Qayyim’s methods by exploring the concept of *firāsah* in the judiciary, which was not well-defined in earlier treatises. The primary questions addressed in this article are: What is the precise meaning of *firāsah* as used by Ibn al-Qayyim in the judiciary? What is his theory of *firāsah*, and what legal evidence does he provide to support it? How does he apply this theory in practice? Finally, what do scholars think about the necessity of *firāsah* in the judiciary?

⁴ Azzam al-Ghutaymil, “Mawqif al-Imām al-Shāfi’ī min Isti’māl al-Izkān fī ‘l-Qaḍā’,” *Majallat Kulīyyat al-Sharī‘ah wa ‘l-Qānūn bi Ṭaṭā 37*, no. 1 (2022): 1520-73.

⁵ Ismā’īl b. Ḥammād al-Jawharī, *Tāj al-Lughah wa Ṣiḥāḥ al-‘Arabiyyah*, 6 vols. (Beirut: Dār al-‘Ilm, 1987), 5:2131.

⁶ ‘Awaḍ A. Abū Bakr, “Niẓām al-Itḥbāt fī ‘l-Fiqh al-Islāmī,” *Majallat al-Jāmi‘ah al-Islāmiyyah* 62 (n.d.): 124.

⁷ Muḥammad b. Isma’īl al-Bukhārī, *Ṣaḥīḥ*, kitāb al-shahādāt, bāb man aqām al-bayyinah, ed. M. D. al-Bughā, 7 vols. (Damascus: Dār Ibn Kathīr, 1993), 2:633, ḥadīth 2534.

⁸ Muḥammad b. ‘Alī al-Shawkānī, *al-Faṭḥ al-Rabbānī min Fatāwā al-Imām al-Shawkānī*, ed. M. Ṣ. al-Ḥallāq, 12 vols. (n.p.: Maktabat al-Jīl al-Jadīd, n.d.), 9:4628.

The Linguistic and Terminological Definitions of *Firāsah*

Firāsah, according to al-Khalīl b. Aḥmad al-Farāhīdī (d. 171/ca. 786), is the verbal noun of *tafarrasa*, mentioned under the root *f-r-s*, in his book *al-Ayn*.⁹ Ibn Fāris (d. 395/1004) defines its lexical meaning as “the correctness of contemplating something.”¹⁰ Muḥammad b. al-Ḥasan Ibn Durayd (d. 321/933) describes it as “sharpness of mind.”¹¹ Lane indicates that *firāsah* signifies becoming skilled or endeavouring to do something.¹² However, Muḥammad b. Mukarram Ibn Manẓūr (d. 711/ca. 1312) denied the existence of a verb for the infinitive “*firāsah*” such as *farasa*, and mentioned the following phrases “*afras bi 'l-rijāl*” (more knowledgeable about men) and “*fāris bi 'l-amr*” (knowledgeable about the matter).¹³ *Al-Muʿjam al-Waṣīṭ* mentions another meaning, that is, “the skill of recognizing the insides of things from their outsides.”¹⁴

In his book *al-Taʾrīfāt*, ʿAlī b. Muḥammad al-Sharīf al-Jurjānī (d. 816/ca. 1413) provides linguistic as well as circumstantial meanings of *firāsah*. Its etymological meaning is “verifying and looking,” whereas the circumstantial meaning signifies “revealing certainty and seeing the unseen.”¹⁵ Murtaḍā al-Zabīdī (d. 1205/1790) suggests that *firāsah* is a morphological template to the noun *tafarrus*, which has the aspect of “contemplation (*tawassum*) and inner awareness.”¹⁶ All the former scholars cite this Prophetic tradition: “Beware of the believer’s *firāsah*, for indeed he sees with Allah’s light,” after which the Prophet (peace be on him) recited, “Surely in this are signs for those who contemplate.”¹⁷

Since *tafarrus* and *tawassum* are synonyms, *tawassum* must be explained accurately. According to al-Farāhīdī, the term *tawassum* has the consonantal root of *w-s-m*.¹⁸ The root *w-s-m* is a single origin that

⁹ Al-Khalīl b. Aḥmad al-Farāhīdī, *Kitāb al-Ayn*, ed. M. al-Makhzūmī, 8 vols. (Beirut: Dār al-Aʿẓamī, n.d.), 245.

¹⁰ Abū ʿl-Ḥusayn Ibn Fāris, *Muʿjam Maqāyīs al-Lughah*, ed. ʿA. M. Hārūn, 6 vols. (Beirut: Dār al-Fikr, 1979), 4:486.

¹¹ Muḥammad Ibn Durayd, *Jamharat al-Lughah*, ed. Ramzī Baʿlabakkī, 3 vols. (Beirut: Dār al-ʿIlm, 1987), 2:717.

¹² Edward Lane, *Arabic-English Lexicon*, 8 vols. (London: Williams and Norgate, 1863), 6:2366.

¹³ Jamāl al-Dīn Ibn Manẓūr, *Lisān al-ʿArab*, 3rd ed, 10 vols. (Beirut: Dār Ṣādir, 1414 AH), 6:159.

¹⁴ Majmaʿ al-Lughah al-ʿArabiyyah, *al-Muʿjam al-Waṣīṭ*, 2 vols. (Beirut: Dār al-Fikr, 1972), 2:681.

¹⁵ ʿAlī b. Muḥammad al-Sharīf al-Jurjānī, *al-Taʾrīfāt* (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1983), 166.

¹⁶ Murtaḍā al-Husaynī al-Zabīdī, *Tāj al-Urūs min Jawāhir al-Qāmūs*, 40 vols. (Kuwait: Wizārat al-Irshād, 2001), 16:328.

¹⁷ Muḥammad b. ʿĪsā al-Tirmidhī, *jāmiʿ*, kitāb al-tafsīr, bāb Sūrat al-Ḥijr, ed. Shuʿayb Arnāʾūt, 6 vols. (Beirut: Dār al-Risālah al-ʿĀlamiyyah, 2009), 6:355, ḥadīth 3392; Qurʾān 15:75.

¹⁸ Al-Farāhīdī, *Kitāb al-Ayn*, 7:321.

indicates a sign and landmark.¹⁹ Lane mentioned a semantic meaning for the morphological template *tawassum*. For him, it means examining “deliberately in order to know the real state or character of a thing by the external sign thereof.”²⁰

To gain a simultaneous understanding of the lexical and exegetical meaning, a small excursion through the lexical genre of hermeneutic literature is necessary. Al-Rāghib al-Iṣfahānī (d. ca. 502/1108) points out three aspects of meaning, one of which pertains to *firāsah* directly. He explains that in the verse: “Surely in this are signs for those who contemplate” (li ‘l-*mutawassimīn*),²¹ *mutawassimūn* are the people who understand the lesson. They are also wise and knowledgeable.²² Ibn al-Athīr al-Jazarī (d. 606/1210) mentions two meanings: One related to intuition and the other to experience, evidence, appearance, and behaviours.²³

Hājī Khalīfah (d. 1067/1657) defined *Firāsah* (physiognomy) as follows: “It is a science through which people’s innate characters are known from their outward features, such as colours, shapes, and organs.”²⁴ He discernibly meant the Greek physiognomy.

Some scholars such as Muḥyī ‘l-Dīn Ibn al-‘Arabī (d. 638/1240) and Muḥammad b. Abī Ṭālib al-Anṣārī (d. 727/1327) classified the science of *firāsah* into *firāsah ḥikmiyyah* and *firāsah shar‘iyyah*.²⁵ The first is judicious physiognomy (*firāsah ḥikmiyyah*), which is related to intellectual knowledge, theoretical sciences, and empirical judgements; it can be taught and learned; and judgement is made based on the apparent circumstances over the hidden states.²⁶ It is a science with specific origins and theoretical branches, and it has several types, some of which are *qiyāfah*, *riyāfah* and *‘iyāfah*.²⁷ Pre-Islamic Arabs knew *qiyāfah* as “a science that searches for how to infer from the appearance of the members of two people to indicate sharing lineage, birth, and all other

¹⁹ Ibn Fāris, *Mu‘jam Maqāyīs al-Lughah*, 4:486.

²⁰ Lane, *Arabic-English Lexicon*, 7:3053.

²¹ Qur’ān 15:75.

²² Muḥammad b. al-Mufaḍḍal al-Rāghib al-Iṣfahānī, *al-Mufradāt fī Gharīb al-Qur’ān* (Damascus: Dār al-Qalam, 1412 AH), 371.

²³ Al-Mubārak b. Muḥammad Ibn al-Athīr, *al-Nihāyah fī Gharīb al-Ḥadīth wa ‘l-Athar*, ed. Ṭ. A. Al-Zāwī, 5 vols. (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1979), 3:428.

²⁴ Hājī Khalīfah, *Kashf al-Zunūn*, 2 vols. (Istanbul: Wakālat al-Ma‘ārif, 1943), 2:1241.

²⁵ Muḥammad Ibn al-‘Arabī, *al-Tadbīrāt al-Ilāhiyyah fī Iṣlāḥ al-Mamlakah al-Insāniyyah*, ed. M. ‘A. al-‘Adalūnī, 2 vols. (Doha: Dār al-Thaqāfah, n.d.), 2:143.

²⁶ Muḥammad b. Abī Ṭālib al-Anṣārī, *al-Siyāsah fī ‘Ilm al-Firāsah* (Cairo: Maṭba‘at al-Waṭan, 1882), 4.

²⁷ Ibid., 5.

conditions.”²⁸ *Iyāfah* is a science of “tracing footprints, moccasins, and hooves along traceable roads.”²⁹ *Riyāfah* is the science of the “extraction of water from the ground by means of signs indicating its presence, so its distance and proximity are known by smelling the dirt, or by the plants in it, or by the movement of an animal found in it.”³⁰

There is another type of this *firāsah*, which is the product of the Greek civilization. Its etymology, according to Merriam-Webster dictionary, is *physiognōmōn*; *Physis* means nature; *physique* is appearance; and *gnōmōn* is interpreter.³¹ It indicates the relationship between physical characteristics and personality traits. Therefore, physiognomy is a tool for determining what physical traits will say about innate personalities.³²

Ghersetti posited that the Arab world always sees *firāsah* as foreign knowledge and the recognized authorities were Greek.³³ This assumption needs to be accurately examined because not all its types hark back to Polemen and Aristotle.

Greek sciences were translated into the Arabic language during the reign of Caliph al-Ma'mūn (d. 218/833) in Bagdad.³⁴ This means that this process took place after the demise of the Prophet Muḥammad by two or three centuries. If this is the case, how can the Qur'ān and *sunnah* mention *firāsah*? Moreover, what about the ancient Arabs who were known for their *firāsah*?

Greek physiognomy relied entirely on the idea of “inferring personality traits from physical characteristics.” On the other hand, Muslim scholars used *firāsah* to “grasp the recondite and what is inaccessible to the senses” by observing “attentively the exterior aspects.”³⁵ To be more precise, they observed facial expressions, reactions, and slips of the tongue, as well as behavioural aspects such as the methods of speaking, moving, and sitting, as Ibn al-'Arabī mentioned.³⁶ The biggest mistake made by Greek physiognomy was to

²⁸ Khalīfah, *Kashf al-Zunūn*, 2:1366.

²⁹ Ibid., 2:1181.

³⁰ Ibid., 1:939.

³¹ Dictionary Merriam-Webster (Merriam-Webster.com), accessed October 5, 2023, <https://www.merriam-webster.com/dictionary/physiognomy>.

³² Hoyland, “Physiognomy in Islam,” 361.

³³ Antonella Ghersetti, “Firsāsa and Intelligence: The Silly and the Intelligent in Arab Physiognomy,” *The Arabist: Budapest Studies in Arabic* 17 (1996): 121-31.

³⁴ Muḥammad Ishāq Ibn al-Nadīm, *al-Fihrist*, 3 vols. (Beirut: Dār al-Ma'rifah, n.d.), 2:174.

³⁵ Ghersetti, “Firsāsa and Intelligence,” 121.

³⁶ Ibn al-'Arabī, *al-Tadbīrāt al-Ilāhiyyah*, 2:147.

focus solely on physical features created by God. This cast a gloomy shadow on all types of physiognomy, and former Muslim scholars avoided using it for ruling.

The second type of physiognomy is divine physiognomy (*firāsah shar'īyyah*). Divine physiognomy relies on identifying spiritual signs within a person. These signs are like a divine light that illuminates the heart of the believer, allowing them to see deeply into others. Just like how the eye cannot see in the dark, our inner sight cannot see the spiritual world unless the heart is purified from all sinful desires and vices. Achieving this requires effort and waiting for God's permission.³⁷

Contemporary researchers have employed computer algorithms to infer an individual's body composition, membership in protected classes, perceived traits, abilities, and prospective social outcomes based on their physical and behavioural attributes. Stark and Huston have illustrated how physiognomy bears a resemblance to the technical process of computer vision when applied to humans.³⁸

The Theory of *Firāsah* in the Field of Judiciary According to Ibn al-Qayyim

Ibn al-Qayyim developed a new theory of ruling. In the field of jurisprudence, his theory stands out from the opinions of other jurists. He aimed to bring about a revolution in the traditional system of justice that relied only on confession and testimony. He believed that there were hidden signs that could guide the judge to the truth more effectively. Ibn al-Qayyim critiques the entire justice system, including the tools and practitioners, to bring about much-needed reform.

Ibn al-Qayyim's theory establishes the justice system on a unique foundation that differs from others. His logical premise relies on the fact that God has sent His messengers and revealed His books to establish justice, which is carried out by both the earth and the heavens. If justice is achieved in any way, then it is God's law. God has made it clear through the prescribed methods that His goal is to establish justice among His servants. Religion is the source of justice, and it does not contradict it.³⁹ If the judge limits himself to the tools mentioned in the

³⁷ Yūsuf Murād, *Kitāb al-Firāsah 'ind al-'Arab wa Kitāb al-Firāsah li Fakhr al-Dīn al-Rāzī* (Cairo: al-Maktabah al-'Arabiyyah, 1982), 76.

³⁸ Stark Luke and Jevan Huston, "Physiognomic Artificial Intelligence," *Fordham Intellectual Property, Media & Entertainment Law Journal* 32, no. 4 (2022): 922-78, <https://ir.lawnet.fordham.edu/iplj/vol32/iss4/2>.

³⁹ Muḥammad b. Abī Bakr Ibn Qayyim al-Jawziyyah, *al-Ṭuruq al-Ḥukmiyyah fī 'l-Siyāsah al-Shar'īyah* (Irbid: Maktabat Dār al-Bayān, n.d.), 13.

sharī'ah, he will make a grave mistake.⁴⁰ The reason for this error is the lack of knowledge of the *Sharī'ah*, the failure to understand reality, and a failure to apply the *sharī'ah* to reality.⁴¹

In Islamic jurisprudence, the judge must follow a specific method called the honest physiognomy (*firāsah ṣādiqah*). This method includes three elements: indication (*qarīnah*), sign (*imārah*), and what the circumstances indicate.⁴² However, if the judge relies solely on this method and neglects the traditional legal methods, he will give invalid rulings. Similarly, if he only acts according to the outward evidence and disregards honest physiognomy, he will deprive many people of their rights and make wrong decisions. Therefore, the judge needs to consider both methods to make fair and just decisions.⁴³

The Qur'ān provides support for the method used by Ibn al-Qayyim by presenting lessons and examples about people who lived in ancient times; one such instance is the verse "Surely in this are signs for those who contemplate."⁴⁴ This shows that whenever an observer looks at the ruins of the deniers' homes and what their affairs led to, they will gain *firāsah*, lessons, and ideas.⁴⁵ Similarly, the signs that are traces of the homes of liars are symbolic of the tool of *firāsah*.

The Qur'ānic verse "Had We willed, We could have truly shown them to you O Prophet, and you would have certainly recognized them by their appearance. But you will surely recognize them by their tone of speech"⁴⁶ mentions two types of *firāsah*: the *firāsah* of sight and the *firāsah* of hearing. The *firāsah* of hearing is considered to be the stronger of the two, as it is more reliable to understand a person's thoughts and feelings through their words rather than their facial expressions.⁴⁷ The verse "Those unfamiliar with their situation will think they are not in need of charity because they do not beg. You can recognize them by their appearance"⁴⁸ mentions another type of *firāsah*, that is, to know the real situation from the exterior or know the inside (*bawāṭin*) from the

⁴⁰ Ibid., 12.

⁴¹ Ibid., 13.

⁴² Ibid., 12.

⁴³ Ibid., 3.

⁴⁴ Qur'ān 15:75.

⁴⁵ Muḥammad b. Abī Bakr Ibn Qayyim al-Jawziyyah, *Madārij al-Sālikīn bayn Manāzil Iyyāka Na'bud wa Iyyāka Nasta'in*, 2 vols. (Beirut: Dār al-Kitāb al-'Arabī, 1996), 2:452.

⁴⁶ Qur'ān 47:30.

⁴⁷ Ibid., 2:453.

⁴⁸ Qur'ān 2:273.

outside (*ẓawāhir*). A Prophetic tradition reads, “God has servants who recognize people by their contemplation.”⁴⁹

In short, for Ibn al-Qayyim, traditional proofs, such as confession and testimony, are insufficient without the judge’s *firāsah*, which should be exercised while considering both the accused’s behaviour and the judge’s intuition. For him, this is supported by the following verse:⁵⁰

And a witness from her own family testified: “If his shirt is torn from the front, then she has told the truth and he is one of the liars. But if his shirt is torn from the back, then she has lied and he is one of the truthful.” So, when her husband saw that his shirt was torn from the back, he said, “It is a plot of you women! Indeed, mighty is your plot!”⁵¹

This verse shows that the judge did not rely on confessions nor did he ask for an oath or seek out witnesses among the palace staff such as maidservants. Instead, he based his decision solely on circumstantial evidence.

According to Ibn al-Qayyim, a judge’s *firāsah* means understanding the signs and evidence of the situation, including its witnesses, present and verbal clues. In addition, the judge must know the details and generalities of rulings. He must also have the ability to distinguish between a liar and a truthful person.⁵² Most of the book *al-Ṭuruq al-Ḥukmiyyah* centres around persuading the leaders of the significance of evident signals, particularly indications in deducing concealed conditions of hearts and minds. This style of physiognomy was prevalent in Islam.⁵³

To develop a comprehensive theory of *firāsah* in the minds of jurists, Ibn al-Qayyim cited evidence from the Qur’ān despite facing strong opposition: “He has placed into the earth firm mountains, so it does not shake with you, as well as rivers, and pathways so you may find your way. Also, by landmarks and stars do people find their way.”⁵⁴ He focused on the Qur’ānic term “landmarks” to inspire judges to consider landmark evidence as representative of signs.⁵⁵

Ibn al-Qayyim mentioned several physical indications that were considered evidence of judgment and punishment. One example was when the Prophet’s Companions punished an unmarried pregnant

⁴⁹ Nāṣir al-Dīn al-Albānī, *Silsilat al-Aḥādīth al-Ṣaḥīḥah wa Shay’ min Fiqhihā wa Fawā’idihā*, 7 vols. (Riyadh: Maktabat al-Ma’ārif, 1995), 4:267, ḥadīth 1693.

⁵⁰ Ibn Qayyim al-Jawziyyah, *al-Ṭuruq al-Ḥukmiyyah*, 3.

⁵¹ Qur’ān 12:26-28.

⁵² Ibn Qayyim al-Jawziyyah, *al-Ṭuruq al-Ḥukmiyyah*, 4.

⁵³ Hoyland, “Physiognomy in Islam,” 372.

⁵⁴ Qur’ān 16:15-16.

⁵⁵ Ibn Qayyim al-Jawziyyah, *al-Ṭuruq al-Ḥukmiyyah*, 85.

woman for committing adultery, as pregnancy was considered an indication of such a sin. In this case, they went beyond the requirement of confession and four witnesses. They also considered the smell of wine as an indication of drinking. The growth of pubic hair was used as a sign of puberty. In cases of mutual repudiation (*li'ān*) by *qiyāfah*, a sign in a child was taken into account. Finally, blood on the sword was considered a sign of the aggressor and used as evidence.⁵⁶

Throughout history, rulers have exercised their authority through a combination of *firāsah* and signs, rather than relying solely on testimony, which is the foundation of conventional legal principles. The author provides numerous examples of how this applies to various types of penalties, including *qiṣās* and *ḥudūd*.

In *qiṣās*, Ibn al-Qayyim narrated an example of the ruling of 'Umar Ibn al-Khaṭṭāb who was an expert in *firāsah*. Once people brought a beardless young man (*fatā amrad*) who was found dead on the road. 'Umar asked about his condition but he did not receive any news until the end of the year when a newborn child was found in the same place. 'Umar gave the boy to a woman, saying, "If any woman hugs him, just let me know." When the boy grew up, a maid said, "My lady sent me to take the boy for a while. When her mistress—who was the daughter of an Anṣārī shaykh—saw him, she hugged him and kissed him." 'Umar was informed about the incident. He asked her father to see her alone. When she came to 'Umar, he revealed his sword and said, "Be honest with me, or I will strike your neck." She replied, "Honestly, there was an old woman who took care of me like a mother, she asked my permission to bring her daughter to be with me until she returned from a journey. So, she clothed her son and brought him as a girl. I do not doubt that he was a slave girl until he had intercourse with me one day while I was sleeping. So, I killed him and ordered to throw him where 'Umar saw him later. I became pregnant, when I gave birth, I placed the newborn baby in his father's place." 'Umar believed her and thanked both the father and the daughter.⁵⁷ This is an example of 'Umar's astute comprehension of situational evidence and individual indicators, as observed at the crime scene and in interpreting the act of hugging as indicative of an inherent maternal bond. Additionally, 'Umar was well-known for his practice of divine physiognomy (*firāsah imāniyyah*).

In another instance, a woman brought her lover to her room on her wedding night, during the reign of 'Alī b. Abī Ṭālib. This prompted her

⁵⁶ Ibid., 87.

⁵⁷ Ibid., 27.

husband to kill him upon discovery. In retaliation, she killed her husband. 'Alī decreed that she must pay blood money to the family of her lover due to being the cause of his death, and subsequently ordered her execution in retaliation for killing her husband.⁵⁸ This represents an application of *firāsah* that relies on the practitioner's astute intellect and extensive experience in legal matters rooted in a profound comprehension of the *sharī'ah* provisions.

In establishing lineage, Ibn al-Qayyim recounted an illustration involving a boy who asserted that a woman was his mother, but she refuted it. 'Alī suggested to her to marry the boy, but he objected saying, 'How? She is my mother. 'Alī responded by proposing that he be considered the father and offered to pay the dowry. As they were about to leave together hand-in-hand, she interjected once again with "But I am his mother." When questioned further by 'Alī, she explained how her brothers had compelled her into marrying a man of different descent and when he perished in battle, she sent their son away for upbringing as she disliked acknowledging him as hers. Consequently, 'Alī acknowledged both the parents' lineage for him.⁵⁹

Regarding *hudūd*, Ibn al-Qayyim recounted two instances of adultery in which 'Umar b. al-Khaṭṭāb instructed not to enforce the prescribed punishment of stoning, despite the evidence. In the first case, the woman confessed without hesitation and 'Alī believed that she was unaware of the prohibition of adultery based on her language pattern. This insight stemmed from his keen observation of her verbal responses, revealing her lack of understanding regarding the *sharī'ah*.⁶⁰ In the second case, the woman admitted to infidelity while in desperate need of water, but the man refused to provide her with water until she agreed to engage in adultery with him. 'Alī recited, "But if someone is compelled by necessity neither driven by desire nor exceeding immediate need, they will not be sinful."⁶¹

In one of the stories mentioned by Ibn al-Qayyim, Iyās b. Mu'āwiyah (d. 122 AH) demonstrated remarkable insight when dealing with a dispute over deposited money. Despite the defendant's denial that the claimant gave him money, Iyās's astute questioning led him to conclude that the defendant was lying because he knew the location where he received money.⁶² This kind of perceptiveness, known as *firāsah*, involved observing

⁵⁸ Ibid., 46.

⁵⁹ Ibid., 43.

⁶⁰ Ibid., 51.

⁶¹ Qur'ān 2:173; Ibn Qayyim al-Jawziyyah, *al-Ṭuruq al-Ḥukmiyyah*, 49.

⁶² Muḥammad b. Khalaf Wakī' al-Qāḍī, *Akhbār al-Quḍāh*, ed. 'Abd al-'Azīz Muṣṭafā al-Murāghī, 3 vols. (Cairo: Al-Maktabah al-Tijāriyyah al-Kubrā, 1947), 1:342.

facial expressions and listening to unintentional conversation to uncover hidden truths—a skill for which Judge Iyās b. Mu‘āwiyah was famous.⁶³

A matter of family life is illustrated in a story where a woman praised her husband before ‘Umar b. al-Khaṭṭāb, highlighting his devotion and worship. ‘Umar acknowledged the praise but also recognized that there might be an underlying complaint from the woman about her husband. He then asked Ka‘b b. Sūr al-Azdī (d. 36 AH) to judge between them, as he seemed to understand what ‘Umar did not comprehend fully. Ka‘b said to the husband, “Allah says, ‘Then marry other women of your choice—two, three, or four.’”⁶⁴ Therefore, the act of fasting for three days, followed by breaking the fast one day as well as praying for three nights and spending a night with her is more favourable.” ‘Umar appreciated Ka‘b’s decision and appointed him as a judge in Basra where he displayed remarkable skills in *firāsah*.⁶⁵ Through his adept use of Arabic rhetorical techniques, Ka‘b recognized the woman’s concealed complaint through subtle cues of modesty and attributed her suffering to her husband’s failure to fulfil marital obligations such as sexual intimacy.

Different Viewpoints of Jurists on Imposing *Firāsah* in Rulings

The prevalent viewpoint on *firāsah*, in Islamic legal theory, is to reject *firāsah* in judgment, as it relies on conjecture and lacks clear evidence. In the Ḥanafī school, there are no relevant narrations except for what ‘Alī b. Khalīl al-Ṭarābulī (d. 844/1440) wrote in his book *Mu‘īn al-Ḥukkām*. He notes that “judging by means of *firāsah* is akin to judging based on suspicion and guesswork. This is unethical and unjust since suspicion can be both right and wrong. The testimony of *tawassum* was only accepted under specific circumstances out of necessity.”⁶⁶ Thus, Ḥanafī jurists did not approve *firāsah* in legal judgement. However, they approved *tawassum* because it is mentioned in the Qur’ān, “Surely in this are signs for those who contemplate (*li’l-mutawassimīn*).”⁶⁷ As for the narration “Beware of the believer’s intuition (*firāsah*) for indeed he sees with Allah’s light,”⁶⁸ they say that it is weak. However, it is an adage and is mentioned in many traditional exegetics and various books of the Prophetic traditions.

⁶³ Hoyland, “Physiognomy in Islam,” 372.

⁶⁴ Qur’ān 4:3.

⁶⁵ Ibn Qayyim al-Jawziyyah, *al-Ṭuruq al-Ḥukmiyyah*, 24.

⁶⁶ ‘Alī b. Khalīl al-Ṭarābulī, *Mu‘īn al-Ḥukkām fī mā Yataraddad bayn al-Khaṣmayn min al-Aḥkām* (Beirut: Dār al-Fikr, n.d.), 168.

⁶⁷ Qur’ān 15:75.

⁶⁸ Al-Tirmidhī, *jāmi‘*, kitāb al-tafsīr, bāb Sūrat al-Ḥijr.

In the Mālikī school, several scholars have debated against the use of *firāsah* in legal judgement. In his work *Tabṣīrat al-Ḥukkām*, Ibrāhīm b. ‘Alī Ibn Farḥūn (d. 799/1397) shares this view, which is also supported by al-Ṭarābulṣī.⁶⁹ Similarly, Abū Bakr Ibn al-‘Arabī (d. 543/1148) refutes that *firāsah* can be considered legal evidence despite being one of the traits of believers. For him, the *sharī‘ah* does not explicitly validate it. He stipulates, “The methods for developing rulings are recognized under Islamic law and neither *firāsah* nor *tawassum* is part of these methods.”⁷⁰ Another famous Mālikī jurist Ibrāhīm b. Mūsā al-Shāṭibī (d. 790/1388) refuses the legal validity of any kind of *firāsah*. He argues that even the Prophet did not judge according to his knowledge without manifest evidence. The Prophet said,

I am only a human being, and you people have disputes. Maybe someone amongst you can present his case more eloquently and convincingly than the other, and I give my judgement in his favour according to what I hear. Beware! If ever I give (by error) somebody something of his brother’s right then he should not take it as I have only, given him a piece of Fire.⁷¹

He refused to leave any obvious signs that could lead to understanding the interior, as it would lead to the cessation of rulings, which is against the *shārī‘ah*.⁷²

Aḥmad b. Idrīs al-Qarāfī (d. 684/1285) mentions a distinction between knowledge of the *sharī‘ah* and the skills required for functioning as a judge. The latter requires more than just knowledge of the *sharī‘ah*, such as acumen (*fiṭnah*).⁷³ He tells the view of the Prophet and his Companions about the judiciary of ‘Alī b. Abī Ṭālib, which suggests that he was the best judge even though Mu‘ādh b. Jabal was the most knowledgeable about the *sharī‘ah*. This is because the judiciary requires someone who understands the tricks and machinations of opponents.⁷⁴ In this context, al-Qarāfī proposed that a great deal of *firāsah*, abundant acumen (*fiṭnah wāfirah*), brilliant insight (*qarīḥah bāhirah*), helpful practice (*durbah musā‘idah*), and sustaining help (*i‘ānah ‘aḍidah*) from Allah are required for a judge to

⁶⁹ Ibrāhīm b. ‘Alī Ibn Farḥūn, *Tabṣīrat al-Ḥukkām fī Uṣūl al-‘Aqḍiyah wa Manāhij al-Aḥkām*, 2 vols. (Cairo: Maktabat al-Kulliyyah al-Azhariyah, 1986), 2:136.

⁷⁰ Abū Bakr Ibn al-‘Arabī, *Aḥkām al-Qur’ān*, 4 vols. (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2003), 3:107.

⁷¹ Al-Bukhārī, *Ṣaḥīḥ*, 2:952. ḥadīth 2534.

⁷² Ibrāhīm b. Mūsā al-Shāṭibī, *al-Muwāfaqāt fī Uṣūl al-Sharī‘ah*, 7 vols. (Cairo: Dār Ibn ‘Affān, 1997), 2:458.

⁷³ Aḥmad b. Idrīs al-Qarāfī, *al-Iḥkām fī Tamyīz al-Fatāwā ‘an al-Aḥkām wa Taṣarrufāt al-Qaḍī wa ‘l-Imām* (Beirut: Dār al-Bashā’ir, 1995), 53.

⁷⁴ *Ibid.*, 5.

effectively perform his duty.⁷⁵ It is important to note that the best in the judiciary may not necessarily be the best in issuing *fatwās*. Therefore, there is no contradiction in what the Prophet said in a long *ḥadīth*, “The best judge is ‘Alī b. Abī Ṭālib. . . . The most knowledgeable about what is lawful and unlawful is Mu‘ādh b. Jabal.”⁷⁶

In his *Kitāb al-Umm*, al-Shāfi‘ī denied any role of *firāsah* in Islamic legislation.⁷⁷ He stated that judgements are based on what is apparent, and God is the Guardian of the unseen. Anyone who rules people by *izkān* (*firāsah* and guesswork) will be committing what God and the Prophet have forbidden.⁷⁸ When questioned about the evidence of his assumption, he replied that there are many pieces of evidence in the Qur’ān and *sunnah*. In ‘*aqīdah* (creed), Islam accepts apparent signs of faith without examining the hearts, despite the presence of hypocrites in any society. Allah says, “When the hypocrites come to you O Prophet, they say, ‘We bear witness that you are certainly the Messenger of Allah’—and surely Allah knows that you are His Messenger—but Allah bears witness that the hypocrites are truly liars.”⁷⁹ Concerning the judiciary, the Prophet said, “People! The time has come for you to observe the limits of Allah. Whoever has had any of these ugly things befall him should cover them up with the veil of Allah. Whoever reveals to us his wrong action, we perform what is in the Book of Allah against him.”⁸⁰

The Messenger’s neglect of *qiyāfah* in the incident of ‘Uwaymir showed he invalidated the rule based on *firāsah*. ‘Uwaymir asked the Prophet, “O Allah’s Messenger! A man has found another man with his wife! Should he kill him whereupon you would kill him (the husband, in *qiṣāṣ*) or what should he do?” The Prophet said, “Allah has revealed regarding you and your wife’s case in the Qur’ān, Then, he ordered them to perform the measures of *mulā‘anah*. After they performed *mulā‘anah*, the Prophet said, “Look! If she (‘Uwaymir’s wife) delivers a black child with deep, black, large eyes, big hips and fat legs, then I will believe that ‘Uwaymir has spoken the truth; but if she delivers a red child looking like a *waḥarah* (a small white insect with red dots) then we will consider that ‘Uwaymir has told a lie against her.” Later, she delivered a child carrying

⁷⁵ Ibid., 56.

⁷⁶ Muḥammad b. Yazīd Ibn Mājah, *Sunan*, ed. Muḥammad ‘Abd al-Bāqī, 2 vols. (Cairo: Dār ‘Iḥyā’ al-Kutub al-‘Arabiyyah, n.d.), 1:55, ḥadīth 154.

⁷⁷ Muḥammad b. Idrīs al-Shāfi‘ī, *al-Umm*, 8 vols. (Beirut: Dār al-Fikr, 1983), 4:120.

⁷⁸ Ibid.

⁷⁹ Qur’ān 63:1.

⁸⁰ Mālik b. Anas, *al-Muwatta’*, kitāb al-ḥudūd, bāb man i’tarafa bi ‘l-zinā, ed. ‘Abd al-Bāqī, 2 vols. (Beirut: Dār ‘Iḥyā’ al-Turāth al-‘Arabī, 1985), 2:825.

the characteristics which the Prophet had mentioned as proof for 'Uwaymir's claim.⁸¹ However, the Prophet left her without implementing the prescribed punishment and followed what was written in the Qur'ān to separate them forever and leave her punishment to God.⁸²

Al-Shāfi'ī was knowledgeable about Greek physiognomy, as were other notable figures, such as Fakhr al-Dīn al-Rāzī (d. 605/1209) and Ibn al-'Arabī.⁸³ Furthermore, Abū Ḥāmid al-Ghazālī (d. 505/1111) demonstrated an understanding of Greek physiognomy in his book *Tahāfut al-Falāsifah* where he categorized it alongside medicine and chemistry under natural sciences: "The third: physiognomy, which is inferring morality from creation."⁸⁴ However, this knowledge does not seem to have impacted his legal principles and practices. The early Islamic scholars strongly believed in Greek sciences. In his *Tabṣīrat al-Ḥukkām*, Ibn Farḥūn reports that Abū Bakr al-Shāshī (d. 507/1114) wrote to Qaḍī 'l-Quḍāh al-Shāmī al-Mālikī, who used to make judgments based on *firāsah* imitating Iyās b. Mu'āwiyah, the following: "While the sources of rulings are known and understood by the *sharī'ah*, *firāsah* is not among them."⁸⁵

Ibn al-Qayyim was the only Muslim scholar to explicitly incorporate *firāsah* as an essential component of an impartial judiciary. The majority of his book *al-Ṭuruq al-Ḥukmiyyah* focused on substantiating this notion. He utilized *firāsah* within the context of judicious physiognomy (*firāsah ḥikmiyyah*) rather than its Greek interpretation. Additionally, he omitted divine physiognomy (*firāsah shar'iyyah*) from his theory on judgement due to its association with Sufism and specialization that is not required for the role of a *qāḍī*.

Muslim scholars criticized the categorization of physiognomy known as *firāsah ṣādiqah*, with Judge Ibn 'Aqīl objecting to the name itself (*firāsah*), while Ibn al-Qayyim, across his books, defined it as an "indication (*qarīnah*), a sign (*imārah*), and what the circumstances indicate." However, Ibn al-Qayyim was clear in his terminologies and classified *firāsah* into three levels: faith physiognomy (*firāsah imāniyyah*), exercise and hunger physiognomy (*firāsah al-riyāḍah wa 'l-jū'*), and

⁸¹ Al-Bukhārī, *Ṣaḥīḥ*, kitāb al-tafsīr, bāb "wa 'l-ladhīn yarmūn azwājahum. . . , 4:1772, ḥadīth 4470.

⁸² Al-Shāfi'ī, *al-Umm*, 4:120.

⁸³ Al-Anṣārī, *al-Siyāsah fī 'ilm al-Firāsah*, 4-5; Murād, *Kitāb al-Firāsah*, 47.

⁸⁴ Muḥammad b. Muḥammad al-Ghazālī, *Tahāfut al-Falāsifah* (Cairo: Dār al-Ma'ārif, n.d.), 233.

⁸⁵ Ibn Farḥūn, *Tabṣīrat al-Ḥukkām*, 2:136.

congenital physiognomy (*firāsah khalqīyyah*). He provided clear explanations for each level with relevant examples.⁸⁶

The concept of faith physiognomy (*firāsah imāniyyah*) involves the heart being enlightened and rejecting anything that goes against it. This *firāsah* originates from the divine light bestowed upon some of God's servants, which brings their hearts alive and enlightened, as stated in the Qur'ān, "Can he who was dead, to whom We gave life, and a light whereby he can walk amongst men, be like him who is in the depths of darkness, from which he can never come out?"⁸⁷

The practice of self-deprivation, combined with hunger and isolation, leads to a state of heightened awareness known as exercise and hunger physiognomy (*firāsah al-riyāḍah wa 'l-jū'*). This state is achieved by cutting oneself off from worldly desires. This can result in a stage of unveiling (*kashf*), depending on the severity of the deprivation. It should be noted that this practice is not limited to Muslims. It is also commonly used by non-Muslims.⁸⁸

The concept of "*firāsah khalqīyyah*" involves the ability to infer an individual's personality traits based on their physical features. It is believed that a person's character and behaviour can be moderated by maintaining a balance between their physical appearance and their inner self. However, it is important to note that this balance can be influenced by societal and cultural norms. Therefore, judges must exercise caution and avoid making mistakes when using this method.

For a judge to possess accurate *firāsah*, he must take into consideration two factors. First, he must possess high mental qualities, a sharp mind, and good acumen. Second, the signs and indications related to the suspect must be clear. The practitioner should use his eyes to observe the signs, his ears to listen to speech in all its forms—whether it is direct or indirect, vague or clear, implicit or explicit—and grasp its meaning and reference. His heart should enable him to deduce evidence from what he observes and hears and comprehend its inner and hidden meanings, to go beyond its outward appearance.⁸⁹

Conclusion

Ibn al-Qayyim expressed dissatisfaction with the traditional methods of establishing facts in jurisprudence. Consequently, he advocated for the

⁸⁶ Ibn Qayyim al-Jawziyyah, *Madārij al-Sālikīn*, 2:453-55.

⁸⁷ Qur'ān 6:122; Ibn Qayyim al-Jawziyyah, *Madārij al-Sālikīn*, 2:453-55.

⁸⁸ Ibn Qayyim al-Jawziyyah, *Madārij al-Sālikīn*, 2:456.

⁸⁹ Ibid., 2:456-57.

inclusion of *firāsah* as a tool to facilitate the attainment of judicial justice. Central to his theory is the assertion that justice represents the paramount objective of Islam, and its realization necessitates the utilization of diverse methods beyond mere confession and eyewitness testimony. These methods include indication (*qarīnah*), sign (*imārah*), and circumstantial evidence, upon which the adjudicator can rely in making judgments. This article endeavours to address a series of inquiries about his work, which have long been a subject of contentious speculation.

The majority of jurists opposed Ibn al-Qayyim's concept of *firāsah* and critiqued it without fully considering the intellectual principles and ideology underlying his theory. This reluctance may stem from their concerns about integrating Greek physiognomy, with its inherent limitations, into Islamic jurisprudence.

The scholars who opposed Ibn al-Qayyim's view relied upon three authentic Prophetic traditions. The first Prophetic tradition reads, "I am only a human being, and you people have disputes. Maybe someone amongst you can present his case more eloquently and convincingly than the other, and I give my judgment in his favour according to what I hear. Beware! If ever I give (by error) somebody something of his brother's right, then he should not take it as I have only given him a piece of Fire."⁹⁰ The second *ḥadīth*, cited by al-Shāfi'ī in response to judging by *izkān*, states, "Whoever discloses their wrongdoing, we apply the teachings of the Book of Allah against them."⁹¹ The third *ḥadīth*, cited by numerous Muslim scholars, pertains to 'Uwaymir's grievance about his wife's pregnancy from a man other than himself. The Prophet addressed the matter by informing 'Uwaymir that Allah had revealed guidance in the Qur'ān regarding his situation, instructing them to undergo the process of *mulā'anah*.⁹² The *ḥadīth* in question represents a unique instance in Islamic jurisprudence, universally acknowledged by Muslim scholars, including Ibn al-Qayyim, as a foundational source of legislation. Its inclusion stems from the fact that the Qur'ān extensively delineates the objectives of safeguarding the family. Except for this Hadith, jurists can employ *firāsah* without constraint.

Ibn al-Qayyim employed various Qur'ānic verses to substantiate his theory, citing one in particular that demonstrates the judgment of the judge based on intuitive perception.⁹³

⁹⁰ Al-Bukhārī, *Ṣaḥīḥ*, 2:952. *ḥadīth* 2534.

⁹¹ Mālik, *al-Muwatt'*, kitāb al-ḥudūd, bāb man i'tarafa bi 'l-zinā, 2:825.

⁹² Al-Bukhārī, *Ṣaḥīḥ*, kitāb al-tafsīr, bāb wa 'l-ladhīna yarmūn azwājahum. . . , 4:1772, *ḥadīth* 4470.

⁹³ Qur'ān 12:26; Ibn Qayyim al-Jawziyyah, *al-Ṭuruq al-Ḥukmiyyah*, 3.

According to the theory, the *sharīʿah* was implemented to establish comprehensive justice that encompasses all aspects of creation. The justice system of Islam is considered superior to any other form of governance, and politics is an integral component of the *sharīʿah*. Those who grasp the objectives of the *sharīʿah* find no need for alternative policies.⁹⁴

The Qurʾān states, “And the heaven He raised and imposed the balance. That you not transgress within the balance. And establish weight in justice and do not make deficient the balance.”⁹⁵ The term “impose” signifies “force,” emphasizing the critical nature of justice, as God governs by it: “There is no god but He: That is the witness of Allah, His angels, and those endued with knowledge, standing firm on justice.”⁹⁶ Furthermore, the primary objective of legislating religions and sending messengers is to attain justice, “We have already sent Our messengers with clear evidences and sent down with them the Scripture and the balance that the people may maintain -their affairs- in justice.”⁹⁷

The dispute between Muslim scholars and Ibn al-Qayyim centred on his compelling legal evidence, which, despite its strength, faced opposition from the majority of scholars. Their arguments, in contrast, were rooted in authentic *ḥadīths*. Ibn al-Qayyim also drew upon many Qurʾānic verses and emphasized the primary objective of the *sharīʿah*, which is to uphold justice, along with logical reasoning.

The responsibility of evaluating and weighing evidence falls upon Islamic legal jurists, who are tasked with determining the authenticity of the evidence. Theoreticians (*uṣūliyyīn*) are also responsible for deciding which evidence should take precedence—whether it be the three authentic *ḥadīths* or the preservation of the *sharīʿah*’s highest objective. Furthermore, they must possess the capacity to strengthen one of two conflicting viewpoints by demonstrating the preponderance of its rationale over the other, while considering the influence of time and space.

In the pursuit of justice within the judiciary, it is essential to embrace all available modern methods, even those not explicitly outlined in the Qurʾān and *sunnah* if the objective is to be prioritized.

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⁹⁴ Ibn Qayyim al-Jawziyyah, *al-Ṭuruq al-Ḥukmiyyah*, 4.

⁹⁵ Qurʾān 55:7-9.

⁹⁶ Ibid., 3:18.

⁹⁷ Ibid., 57:25.