

How the Establishment of the Schools of Law Al Mazahib Impacted on the Scope and Approach to Interpretation of Islamic Law

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Abstract

The establishment of various Islamic schools of thought known as Al Mazahib has significantly influence the interpretation of Islamic Law. Each of these schools, such as Imam Hanafi, Imam Maliki, Imam Shafi'I and Imam Hanbali has its own approach to jurisprudence, and interpretations of specific legal issues, contributing to a diverse and nuance understanding of Islamic law across the Muslim world. This paper using doctrinal research methodology traced the establishment of the schools of law (Al Mazahib) from the historical antecedent, in order to ascertain how their ideology impacted on the interpretation of Islamic law. The paper further states the extent of the scopes and approaches of these schools of law (Al Mazahib) to interpretation of Islamic law. The paper mainly focused on the four main Sunni schools of interpretation of Islamic law (Al Mazahib) with particular emphasis on their impacts, scopes and approaches to interpretation of Islamic law. It is the observation of this paper that the existence of multiple schools of thought led to a diversity of interpretation within Islamic jurisprudence with each school has its own distinct approach, methodologies, principles and scopes. And also there are common principles such as Ijma (consensus) and Qiyas (analogy), the emphasis and application of these principles vary among the schools, because, each school developed its own methods for deriving legal rulings Lastly, the schools strike a balance between legal certainty and flexibility. Some schools prioritize adherence to established rulings, while others allow for greater flexibility in legal reasoning accommodating changes in societal dynamics. Accordingly, the paper recommended that, there is need for some schools to acknowledge the importance of local customs and practices (Urf), allowing for their incorporation into legal decisions, provided they do not contradict established Islamic principles i. e. the Holy Qur'an and Hadith. It is also recommended for some schools to consider the public interest (Maslaha) which plays a vital role during interpretation with particular emphasis to weighing the overall benefit to society when deriving legal rulings and finally, there is need for Scholars to harmonizing tradition with contemporary context which is a shared challenge to adapt classical principles in order to address modern issues.

1.0 Introduction

The Islamic school of law otherwise known as Al Mazahib refers to the various schools of thought or legal traditions within Islamic jurisprudence i. e. Fiqh. These schools have developed overtime, each with its own interpretation of Islamic law based on the Qur'an and Hadith.¹ The main Sunni schools are Imam Hanafi, Imam Maliki, Imam Shafi'I and Imam Hanbali, while the Shi'a school is primarily represented by Jafari Madhab.² These Islamic schools of law provide guidelines on matters such as prayer, fasting and other aspect of daily life, contributing immensely to the rich diversity within Islamic legal thought.³ The scope of studying Al Mazahib involves exploring their doctrines, rituals and cultural influence. Furthermore, approaching this study involves multidisciplinary lens, considering history sociology and theology. The impact of Al Mazahib extends beyond individual spiritual practices shaping societal norms, values, and even political

¹ Muhammad Abu Zahra, 'The Four Imams: A Comprehensive Book Exploring the Lives and Contribution of the four major Sunni Imams'(1971).

² Ibid

³ Nyazee, I. H.'Islamic Jurisprudence; Classical and Contemporary Applications'. Islamic Reseach Institute, International Islamic University, Islamabad (2003).

landscape. Understanding these aspects posters a comprehensive view of the role religion plays in human civilization.⁴

1.1 Concept of Islamic Schools of Thought Al Mazahib

Mazahib is the plural form of Mazhab, which translates to schools of thought or denomination in the context of religious beliefs.⁵ It often used to refer to different schools of Islamic jurisprudence or sects within Sunni Islam.⁶ Literally Mazahib means schools of thought or denomination. In a technical sense, it refers to different schools or sects within a religious or philosophical framework, with each having its distinct set of beliefs, interpretations and practices.⁷ In the context of Islam Mazahib specifically denotes the various schools of Islamic jurisprudence each following a specific methodology and interpretation of Islamic teachings.⁸ Each of these Mazhab has its own interpretations of Islamic law and traditions. Understanding these differences is important in the study of theology and law.⁹

There are four main Sunni Schools of thought, also known as Madhabs:

1. **Maliki:** named after Imam Maliki Ibn Anas, it is followed in North and West Africa, as well as some parts of the Arabian Peninsula. It places importance on local customs and the consensus of the community.¹⁰
2. **Hanafi:** named after Imam Abu Hanifa, it is prevalent in Turkey, The Balkans, central Asia, India subcontinent, and parts of the Arab world. They often emphasize reason and analogical reasoning in legal decisions.¹¹
3. **Shafi'I:** named after Imam Al Shafi'I, it is followed in East Africa, south East Asia and parts of the Arabian Peninsula. It relies heavily on the Qur'an and the Hadith (sayings and actions of the Prophet Muhammad).¹²
4. **Hanbali:** named after Imam Ahmad Ibn Hanbal, it is primarily followed in Saudi Arabia and some Gulf countries. They adhere strictly to the Qur'an and Hadith and are known for a more conservative approach to jurisprudence.¹³

Each of the above cited schools of thought has its own interpretations of Islamic law (Fiqh) and jurisprudential principles while they share a common foundation in the Qur'an and Hadith (saying and actions of the prophet Muhammad).¹⁴

⁴ Smith H. "The World's Religion"(Originally published in 1958, with revised editions. The revised and updated edition "The World's Religion: Our Great Wisdom Traditions": was published in 1991).

⁵ Nyazee, I. H."Islamic Jurisprudence; Classical and Contemporary Applications". Islamic Reseach Institute, International Islamic University, Islamabad (2003).

⁶ Ibid

⁷ Ibid

⁸ Ibid

⁹ Naqib, A. Umdat As-Salik "Reliance of the Traveller". Amana Publications (1997).

¹⁰ Imam Maliki Ibn Anas "Al Muwatta", Maliki Fiqh.(d. 795).

¹¹ Marghinani Burhan Al-Din. "Al-Hidayah".(d. 1197).

¹² Imam Shafi'i, "Risala".(d. 820).

¹³ Imam Hanbali, "Kitab Al-Umm", Hanbali Fiqh.

¹⁴ Ibid

Apart from these Sunni Schools, there is the Shi'a School of thought which has several branches. The main ones are:

1. Twelver Shi'a: The largest Shi'a group, they believe in a line of twelve Imams as the rightful successors to Prophet Muhammad. Iran, Iraq and Lebanon have significant Twelver Shi'a populations.
2. Ismaili Shi'a: They differ on the number of Imams and their line of succession. Aga Khanis are a well-known group within this branch.

It's important to note that this classifications are broad, and within each School, there can be further variations in interpretation and practice. Additionally, there are other smaller Schools and Sects within Islam, each with its unique characteristics and interpretations.

1.2 Establishment of schools of thought Al Mazahib

The establishment and development of Islamic schools of thought, known as Al Mazahib, began after the demise of the Holy prophet Muhammad (S.A.W.). The main Sunni schools are Hanafi, Maliki, Shafi'I and Hanbali, each with its own interpretations of Islamic jurisprudence.¹⁵ Additionally, the Shi'a school, particularly Twelver Shi'a, follows a distinct set of beliefs and practices. These schools evolved over time through the efforts of scholars in interpreting Islamic teachings and applying them in various contexts.¹⁶

1.3 The Approach of Schools to Interpretation of Islamic Law

The schools of thought Al Mazahib have significantly impacted on the scope and approach to the interpretation of Islamic law. Here are key ways in which this impact is observed:

1. **Diversity of Interpretation:** The existence of multiple schools of thought led to a diversity of interpretation within Islamic jurisprudence.¹⁷ Each school has its distinct approach, methodologies and principles, contributing to a rich tapestry of legal thought within the broader framework of Islam.¹⁸
2. **Geographical Influence:** The schools were often associated with specific geographical regions and this influenced their approach to interpretation. Regional variations in cultural practices and societal norms were taken into account providing a localized understanding of Islamic law.¹⁹
3. **Adaptability to Context:** The schools demonstrated adaptability to diverse cultural and social contexts. Scholars within each school engage in contextual reasoning, allowing for the application of Islamic law in different environments while maintaining the adherence to foundational principles.²⁰

¹⁵ Azami, M.M. "Studies in Early Hadith Literature". Islamic Book Trust(1992).

¹⁶ Hallaq, W.B. "A History of Islamic Legal Theories: An Introduction to Sunni Usul Al-Fiqh". Cambridge University Press (1997).

¹⁷ Ahmed, A.A. "Islamic Jurisprudence: An International Perspective". Routledge, (1996).

¹⁸ Ibid

¹⁹ Hallaq, W.B. "The Formation of Islamic Law". Routledge (2005).

²⁰ Qussama, A. "Islamic Legal Thought: A Compendium of Muslim Jurists". Bill Publishers(2013).

4. **Legal Consensus (Ijma) and Analogical Reasoning (Qiyas):** Each school developed its own methods for deriving legal rulings. While there are common principles such as Ijma (consensus) and Qiyas (analogy), the emphasis and application of these principles vary among the schools shaping their distinctive legal approaches.²¹
5. **Founder's Legacy:** The founders and key figures associated with each school left a lasting legacy. The teaching and methodologies of figures like Abu Hanifa, Maliki Ibn Anas Al Shafi'I and Ahmad Ibn Hanbal become foundational to their respective schools influencing subsequent generation of scholars.²²
6. **Legal Certainty and Flexibility:** The schools strike a balance between legal certainty and flexibility. Some schools prioritize adherence to established rulings, while others allow for greater flexibility in legal reasoning accommodating changes in societal dynamics.²³
7. **Continuity through Scholarship:** The transmission of knowledge within each school through generations of scholars ensured the continuity of its legal tradition. This scholarly transmission contributed to the preservation and development of each schools approach to interpreting Islamic law.²⁴
8. **Inter-School Dialogue and Debate:** Scholars from different schools engage in dialogue and debate, fostering intellectual exchange and mutual respect. While there were disagreements, this interaction also contributed to refine ring legal methodologies and interpretations.²⁵

In summary, the establishment of Al Mazahib brought about a nuanced and diverse landscape of Islamic legal thought. The impact is reflected in the varied approaches to interpretation, adaptability to different contexts, and the on-going scholarly dialogue within the broader framework of Islamic jurisprudence.

1.4 The Scope of Schools to Interpretation of Islamic law

The interpretation of Islamic law known as Sharia varies across different schools of thought or Mazahib. The four major Sunni Mazahib are Hanafi, Maliki, Shafi'I and Hanbali. Each has its own Scope, methodology and approach to legal interpretation.

1. **Hanafi School:** is one of the four major Sunni schools of Islamic jurisprudence that has distinct characteristics in its scope and approach to interpreting Islamic law. They emphasize reasoning and analogy (Qiyas) to derive legal rulings. It allows flexibility in adapting to changing circumstances.²⁶ These are some of their scope and approach:
 - a. **Reasoning (Ra'y):** The Hanafi School places a significant emphasis on reasoning and personal judgment (Ra'y) alongside textual evidence. Scholars in this school use reasoning to derive legal rulings, allowing for a degree of flexibility in interpretation.²⁷

²¹ Ibid

²² Jonathan, G.B. "Introduction to Islamic Law". Cambridge University Press (2019).

²³ Ibid

²⁴ Jonathhan, A.C. "Hadith: Muhammad's Legacy in the Medieval and Modern World". One World Publications(2009).

²⁵ Ibid

²⁶ Kamali, M.H. "Principle of Islamic Jurisprudence". Islamic Texts Society(1991).

²⁷ Marghinani Burhan Al-Din. "Al-Hidayah".(d. 1197).

- b. **Ijtihad (independent reasoning):** Hanafi jurists are known for their relatively liberal approach to Ijtihad which involves independent reasoning to deduce legal rulings. This allows for adaptability to changing circumstances and a pragmatic application of Islamic principles.²⁸
 - c. **Qur'an and Hadith:** like other Sunni schools the Hanafi School consider the Qur'an and Hadith as primary sources of Islamic law. However in situations where there might be a conflict between the two, the Hanafi scholars often give preference to the Qur'an.²⁹
 - d. **Qiyas (Analogy):** The Hanafi School accepts analogy (Qiyas) in a method of legal reasoning. Scholars use analogy to extend legal rulings from established cases to new situations not explicitly addressed in the Qur'an or Hadith.³⁰
 - e. **Maslaha (Public interest):** consideration of public interest (Maslaha) plays a role in Hanafi Jurisprudence. Scholars may weigh the overall benefit to society when deriving legal rulings.³¹
 - f. **Local Customs:** The Hanafi School acknowledges the importance of local customs and practices, allowing for their incorporation into legal decisions, provided they do not contradict established Islamic principles.³²
 - g. **Relaxation of Certain Rules:** Hanafi Jurists are often more lenient in some matters, such as the acceptance of witnesses and the conditions for valid contracts, compared to some other schools.³³
2. **Maliki School:** Relies on local customs and practices (Urf) in addition to textual evidence. It is often pragmatic and considers the welfare of the community.³⁴ Here are key aspects:
- a. **Historical Context:** Originating from the practices of the people of Madina during the time of the Prophet Muhammad. The Maliki School places importance on the customs and traditions of the early Muslim community.³⁵
 - b. **Qur'an and Hadith:** like other schools, the Maliki School considers the Qur'an and Hadith as primary sources. However, it gives weight to the actions and practices of the people of Madina, aiming to understand the application of Islamic teachings in their specific context.³⁶
 - c. **Ijma (Consensus):** Maliki scholars value consensus among jurists (Ijma) as a source of law. When there is unanimous agreement on a particular legal ruling, it is considered a strong basis for deriving Islamic law.³⁷

²⁸ Ibid

²⁹ Abdal-Barr, ‘‘ The Differences of Imams’’. (d. 1071).

³⁰ Ibid

³¹ Abdal-Barr, ‘‘ The Differences of Imams’’. (d. 1071).

³² Ibid

³³ Ibid

³⁴ Imam Maliki Ibn Anas ‘‘Al Muwatta’’, Maliki Fiqh.(d. 795).

³⁵ Naqib, A. Umdat As-Salik ‘‘ Reliance of the Traveller’’. Amana Publications (1997).

³⁶ Ibid

³⁷ Ibid

- d. **Qiyas (Analogy):** while the Maliki School accept analogy (Qiyas) as a legal tool, it is not as heavily emphasized as in some other schools. The reliance on the practices of Madina often takes precedence over analogical reasoning.³⁸
 - e. **Maslaha (Public interest):** the Maliki jurists consider the welfare and interest of the community (Maslaha) in legal rulings. This pragmatic approach allows for flexibility and adaptation to changing circumstances.³⁹
 - f. **Local Customs:** The Maliki School takes into account the customs and tradition of the local population. It recognizes the importance of accommodating cultural practices within the framework of Islamic law.⁴⁰
3. **Shafi’I school:** Places importance on the Qur’an, Sunnah, consensus (Ijma) and reasoning. It seeks a balance between textual sources and analogical reasoning.⁴¹ Here are some specific key aspects of Shafi’I school:
- a. **Four Sources of Law:** the Shafi’I school recognizes four sources of Islamic law: the Qur’an, the Hadith, the consensus (Ijma) and the analogy (Qiyas). These sources form the basis for legal rulings.⁴²
 - b. **Emphasis on Hadith:** Shafi’I scholars give significant weight to the Hadith, and they consider it essential for understanding and deriving legal rulings. Imam Shafi’I himself emphasized the importance of the prophet actions and sayings in legal matters.⁴³
 - c. **Qiyas (Analogy):** similar to other Sunni schools, the Shafi’I school accepts Qiyas as a tool for legal reasoning. Analogical reasoning is employed when a new case arises that is not explicitly addressed in the Quran and Hadith.⁴⁴
 - d. **Ijma (Consensus):** the consensus of scholars {Ijma} is considered a valid source of law in the Shafi’I school. When there is unanimous agreement among scholars on a particular legal ruling, it holds weight in the derivation of Islamic law.⁴⁵
 - e. **Urf (Custom):** the Shafi’I school takes into account local customs and traditions (Urf) to a certain extent. However the Urf should not contradict established Islamic principles.⁴⁶
 - f. **Precedence of text over opinion:** while Shafi’I scholars acknowledge the role of reasoning and analogical deduction they give precedence to clear textual evidence from the Qur’an and Hadith over personal opinions.⁴⁷

³⁸ Naqib, A. Umdat As-Salik ‘‘Reliance of the Traveller’’. Amana Publications (1997).

³⁹ Ibid

⁴⁰ Ibid

⁴¹ Imam Shafi’I, ‘‘Risala’’. (d. 820).

⁴² Ibid

⁴³ Ibid

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Naqib, A. Umdat As-Salik ‘‘Reliance of the Traveller’’. Amana Publications (1997).

⁴⁷ Ibid

- g. **Mazhab Unity:** the Shafi’I school emphasizes the unity of the school (Mazhab), meaning that followers are encouraged to adhere to the rulings and methodologies of the school. This unity provides consistency in legal interpretations.⁴⁸
 - h. **Balance Approach:** The Shafi’I school aims to strike a balance between flexibility and adherence to Islamic principles, seeking to maintain a comprehensive and coherent legal system.⁴⁹
4. **Hanbali School:** adheres strictly to the Qur’an and Hadith, with limited reliance on analogical reasoning. It tends to take a conservative and literal approach.⁵⁰ Here are some key aspects of Hanbali school:
- a. **Strict Adherence to Texts:** The Hanbali School is known for its strict and literal interpretations of Islamic texts, including the Qur’an and Hadith. Hanbali scholars emphasize a conservative approach, giving primary importance to the exact wording of the sources.⁵¹
 - b. **Limited Use of Qiyas (Analogy):** while the Hanbali School accepts Qiyas as a legal reasoning tool, it is used more cautiously compared to other schools. Hanbali jurists prefer to rely directly on explicit textual evidence rather than analogical deduction.⁵²
 - c. **Conservatism and Tradition:** Hanbali scholars tend to be conservative in their legal opinions, often resisting innovations or interpretation that does not align closely with established traditions. They place a strong emphasis on the practices of the early Muslim community.⁵³
 - d. **Ijma (Consensus):** similar to other Sunni schools, the Hanbali School recognizes consensus (Ijma) as a valid source of Islamic law. If there is unanimous agreement among scholars, it is considered authoritative.⁵⁴
 - e. **Tawhid (Oneness of God);** Hanbali scholars often highlight the importance of Tawhid and reject any interpretation or practice that they believe may compromise this fundamental concept.⁵⁵
 - f. **Literalism in Tafsir (Exegesis):** Hanbali scholars typically approach the interpretation of the Qur’an with a literalist perspective, avoiding extensive metaphorical interpretations.⁵⁶
 - g. **Personal Piety and Asceticism:** The Hanbali School traditionally values personal piety and asceticism. Some Hanbali scholars have been known for leading a simple and austere lifestyle.⁵⁷

⁴⁸ Ibid

⁴⁹ Ibid

⁵⁰ Imam Ibn Qudamah, ‘‘Zad Al-Mustaqni’’. (d 1223).

⁵¹ Ibid

⁵² Ibid

⁵³ Muhammad, A.H., ‘‘ The Clear Light of Ahl Al-Hadith.(20th Century)

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ Ibid

⁵⁷ Imam Ibn Qudamah, ‘‘Zad Al-Mustaqni’’. (d 1223).

- h. **Rigor in Legal Opinions:** Hanbali jurists are known for their stringent legal opinions in certain matters, particularly in issues related to public morality and personal conduct.⁵⁸

1.5 Observations

The following observations were found:

1. It is observed that the existence of multiple schools of thought led to a diversity of interpretations within Islamic jurisprudence with each school has its own distinct approach, methodology, principle and scope.
2. It is also observed that, there are common principles such as Ijma (consensus) and Qiyas (analogy), the emphasis and application of these principles vary among the schools, because, each school developed its own methods for deriving legal rulings
3. Some schools strike a balance between legal certainty and flexibility and. Some schools prioritize adherence to established rulings, while others allow for greater flexibility in legal reasoning accommodating changes in societal dynamics.

1.6 Recommendations

The following recommendations were made:

1. There is need for some schools to acknowledge the importance of local customs and practices (Urf), allowing for their incorporation into legal decisions, provided they do not contradict established Islamic principles i. e. the Holy Qur'an and Hadith.
2. There is need also for some schools to consider the public interest (Maslaha) which plays a vital role during interpretation with particular emphasis to weighing the overall benefit to society when deriving legal rulings
3. There is need for Scholars to harmonizing tradition with contemporary context which is a shared challenge to adapt classical principles in order to address modern issues.

1.7 Conclusion

Conclusively, it is to be noted that, the establishment of schools of law Al Mazahib had essentially impacted on the scopes and approaches to interpretation of Islamic law. Where each school involves and engages in extracting legal rulings from primary sources (Qur'an and Hadith) and applying them to new situations. Scholars use methods such as analogy, consensus and reasoning to derive legal opinions. Harmonizing tradition with contemporary context is a shared challenge. Scholars may adapt classical principles to address modern issues taking into account the overarching objectives of Shari'ah (Maqasid al-Shari'ah) like preserving life, religion, intellect, lineage and wealth.

In summary, the interpretation of Islamic law within Al Mazahib involves a nuanced understanding of textual sources and a balance between tradition and adapting to changing circumstances.

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⁵⁸ Ibid

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