

# The History of Fiqh

A Summary

# Eras of Fiqh Development

- ▶ Revelation Phase (Prophetic Era)
- ▶ Development Phase (Rightly Guided Caliphs & Umayyads)
- ▶ Flowering Phase (Early Abbasid Era)
- ▶ Expansion Phase (Middle/Late Abbasid Era)
- ▶ Stagnation & Decline (Late Abbasid and Ottoman Eras)
- ▶ Attempts at revival (Modern Era)

# Revelation Phase

- ▶ Lifetime of the Prophet (s)
- ▶ Quran is revealed, and explained by the Prophet (s) which is recorded in Hadiths
- ▶ Early examples of Ijtihad in lives of Sahaba
- ▶ Four things established during this era: Quran is revealed, Sunnah is developed, two schools of interpretation evolve, and a few leading companions exhibit some of the principles of Fiqh.

# Development Phase

- ▶ First Century of Islam
- ▶ Fiqh is handled practically by local scholars
- ▶ Books and Madhhabs on Fiqh do not exist yet
- ▶ Ahl-Hadith methodology develops in Hijaz and Syria
- ▶ Ahl-Ray methodology develops in Iraq and surrounding areas

# Flowering Phase

- ▶ Late Umayyad/Early Abbasid Era
- ▶ Various leading scholars develop specific methodologies of Fiqh and grow a following
- ▶ First Fiqh and Usul al-Fiqh books are written, eg: Malik's Muwatta and Shaafi'ees Risaalah
- ▶ The madhhabs begin to take shape
- ▶ Various madhhabs gain popularity

# Early Madhhabs of the Flowering Phase

- ▶ Abu Hanifa - Ahl-Ray approach, only accepted Hadiths in Fiqh if they reached highest levels of authenticity.
- ▶ Malik - Gave preference to practices of people of Madinah over Hadith
- ▶ Shafii - Ahl Hadith approach, gave preference to Quran and Sunnah over everything else
- ▶ Ahmad Ibn Hanbal - Ahl Hadith approach, even accepted weak Hadiths in Fiqh
- ▶ Dawud al-Dhahiri - literalist, took Quran and Hadith literally
- ▶ Zaid Ibn Ali - Ahl-Ray, considered intellect as a source of Islamic Law
- ▶ Other madhhab founders include Sufyan al-Thawri, Abu Layth, Ibn Jareer at-Tabari and al-Bukhari

# Expansion Phase

- ▶ Madhhabs begin to dwindle as some prove to be more popular than others
- ▶ Scholars of this era stop formulating their own Usul, and choose one of the early scholars' Usul to follow
- ▶ These scholars followed a madhhab in Usul, but some of them made their own Ijtihad using these Usul
- ▶ Examples:
  - ▶ Ibn Taymiyyah - Hanbali madhhab
  - ▶ Ibn Arabi - Maliki madhhab
  - ▶ Al-Ghazali - Shafi'i madhhab
  - ▶ Al-Tahawi - Hanafi madhhab
  - ▶ Ibn Hazm - Dhahiri madhhab

# Stagnation & Decline

- ▶ Every nation rises, declines and falls
- ▶ The ummah went through two major falls (Mongol Invasion and World War I)
- ▶ Leading up to these two events were period of stagnation in scholarship.
- ▶ Scholars started to blindly follow their madhhabs and even considered the doors of Ijtihad as closed.
- ▶ Books written during this period usually just explained previous books.

# Attempts at Revival

- ▶ During the last three centuries, various scholars tried to revive Ijtihad and through it to make Islam relevant again.
- ▶ Shah Wali Ullah al-Dehlawi called for the reopening of the doors of Ijtihad and for ulema to aim for reaching a level of Mujtahid.
- ▶ Al-Shawkani called for the abandoning of madhhabs and direct Ijtihad by the scholars.
- ▶ Muhammad Abduh and Rashad Rida called for reopening doors of Ijtihad and reinterpreting Islam in a modern way.

## Quotation from the Road to Mecca By Muhammad Asad, pp. 189-190

**'Do you see those "scholars" over there? They are like those sacred cows in India which, I am told, eat up all the printed paper they can find in the streets. Yes, they gobble up all, be printed pages from books that have been written centuries ago, but they do not digest them. They no longer think for themselves; they read and repeat, read and repeat -and the students who listen to them learn only to "read and repeat, generation after generation.'**

**'But, Shaykh Mustafa,' I interposed, 'Al-Azhar is, after all, the central seat of Islamic learning, and the oldest university in the world! One encounters its name on nearly every page of Muslim cultural history. What about all the great thinkers, the theologians, historians, philosophers, mathematicians it has produced over the last ten centuries?'**

**'It stopped producing them several centuries ago, Well, perhaps not quite; here and there an independent thinker has somehow managed to emerge from Al-Azhar even in recent times. But on the whole, Al-Azhar has lapsed into the sterility from which the whole Muslim world is suffering, and its old impetus is all but extinguished. Those ancient Islamic thinkers whom you have mentioned would never have dreamed that after so many centuries their thoughts, instead of being continued and developed, would only be repeated over and over again, as if they were ultimate and infallible truths. If there is to be any change for the better, thinking must be encouraged instead of the present thought-imitation ...'**

# The Modern Dilemma - Which path do we choose?

- ▶ Traditionalist - Cling to the madhhabs and follow them blindly
- ▶ Non-Conformists - Abandon madhhabs, Make Ijtihad, eg: Shawkani, Albani
- ▶ Modernists - Abandon madhhabs, change Islam to suit the times, eg: Muhammad Abduh, Rashad Rida
- ▶ Reformers - Stick to the madhhabs, but also make Ijtihad as needed, eg: Shah Wali Ullah, Ibn Ashur