

What is a Madhhab? Exploring the Role of Islamic Schools of Law	
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Reformers	<p>A consistent theme among several reformers of the 18th-20th centuries has been a call to bypass the madhhabs and approach the Quran and Sunnah anew</p> <p>Doctrines of <i>ijtihād</i> and <i>taqlīd</i> touch a particularly sensitive nerve in Muslim circles because they are tied to religious authority</p>
Complexity of law	<p>Law is naturally complex and this is why lawyers are usually hired to interpret the law</p> <p>Average Muslims feel overwhelmed by the complexity of Islamic law and prefer an easier and straightforward explanation of Islam</p> <p>In the “post-truth” era there is a tendency to bypass experts and seek answers oneself</p>
Madhhab	<p>Madhhab are sometimes misunderstood to not be based on scripture</p> <p>Some Muslims state they follow the Quran and Sunnah, not a madhhab</p> <p>Throughout Islamic history, the overwhelming majority of Muslim scholars followed what is called a madhhab</p> <p>A madhhab is a method of interpreting scripture that binds a group or school of scholars together</p> <p>The madhhab do not differ on the foundations of the religion such as God being One</p>
Legal opinions in a madhhab	<p>A common misconception is that following a madhhab means following the opinion of the eponym of a legal school</p> <ul style="list-style-type: none"> - Scholars of the madhhab may hold legal positions that contrast with those of the founder <ul style="list-style-type: none"> - In the Ḥanafī school one commonly finds the dominant opinion belonging to Abū Yūsuf and Muammad al-Shaybānī - In the Shāfi‘ī madhhab, it is common to see al-Nawawī differ with Imam al-Shāfi‘ī <p>All of the opinions within a particular madhhab remain part of that madhhab as long as they adhere to the methodology established by the founder of the school</p>

<p>Fiqh in the time of the Companions</p>	<p>If the Companions differed they would refer to the Prophet ﷺ and he would resolve any differences</p> <p>Ijtihād in the time of the Prophet ﷺ took place in a limited capacity because the Prophet ﷺ was alive</p> <ul style="list-style-type: none"> - 'Amr b. al-Āṣ was traveling and only had extremely cold water with no means of warming it to perform ablution. He therefore performed ijtihād and made tayammum instead. When he returned, the Prophet ﷺ confirmed that what he did was permitted <p>Since not all of the Companions and Successors were jurists or involved in Islamic law, after the Prophet's death, they naturally looked to follow those who were, such as 'Ā'ishah, Ibn Mas'ūd, Zayd b. Thābit, and Ibn 'Abbās RA</p> <p>Islam quickly spread to new lands and some of the Companions moved to these regions as judges or governors. People asked them questions about new issues that arose to which they used their expertise in the legal teachings of the Quran and Sunnah to perform ijtihād</p>
<p>Change in Islamic law</p>	<p>New circumstances can change the legal results of divine law</p> <ul style="list-style-type: none"> - The Quran states that zakāh may be given to non-Muslims who are attracted to Islam or Muslims who may need charity to strengthen their faith <ul style="list-style-type: none"> - Umar RA suspended this rule and argued that it only applied in circumstances when Muslims were few in number <p>Despite appearing to be an explicit indifference to God's law, this is not the case due to the fact that the law requires the ruling only be applied in the presence of its effective cause ('illah)</p>
<p>Differences among Companions</p>	<p>The Companions had different understandings and interpretations of the Quran and Sunnah</p> <ul style="list-style-type: none"> - Two men went out to travel and they did not have water with them. They performed dry ablution and prayed, then they later found water. One of them repeated his ablution and prayer, while the other did not repeat them. The Prophet ﷺ said to the one who did not repeat his prayer, "You have followed the Sunnah correctly and you will be rewarded for your prayer," and the Prophet ﷺ said to the one who repeated his prayer, "You will have a double reward."
<p>Following specific people</p>	<p>The concept of following the understanding of a particular person existed during the time of the Companions</p> <ul style="list-style-type: none"> - Ibn Mas'ūd moved to Kufa, Zayd b. Thābit and Ibn 'Umar were in Medina, and Ibn 'Abbās in Mecca. People naturally came to those most knowledgeable in Islamic law when they had a

	question and so these Companions had dedicated students who went on to teach what they learned
Process of formulating an opinion in the madhhabs	<p>The madhhabs involved a collective process of arriving at conclusions</p> <ul style="list-style-type: none"> - When examining an issue, Abū Ḥanīfah would present it to his students, who were also scholars, and they would collectively examine, debate, and revise it
The Constitution 2nd Amendment	<p>The Constitution is not always as clear as it may appear, especially as times and circumstances change</p> <p>The intended scope of the 2nd Amendment has caused considerable disagreement among American jurists</p> <ul style="list-style-type: none"> - Scholars try to understand what the founders meant, and whether this still applies to everyone and all weapons - Trying to follow “only the Constitution” is not so simple because the Constitution lends itself to different interpretations
Interpreting the Quran and Sunnah	<p>Muslims are in agreement concerning the necessity of following the Quran and Sunnah, but Muslim jurists acknowledge that the Quran and the Sunnah always have an interpreter</p> <ul style="list-style-type: none"> - The Prophet ﷺ noted that a judge must strive and put in immense effort (ijtahada) to give a legal ruling إِذَا حَكَمَ الْحَاكِمُ فَاجْهَدْ ثُمَّ أَصَابَ فَلَهُ أَجْرٌ وَإِذَا حَكَمَ فَاجْهَدْ ثُمَّ أَخْطَأَ فَلَهُ أَجْرٌ - With the exception of a few issues for which there is consensus (ijmā'), Islamic law is one that requires scholars to put in effort (ijtihād) to extract the law <p>Had everything been clear without any room for interpretation (qat'ī), then there would be no need for scholars</p> <ul style="list-style-type: none"> - “Some of its verses are definite in meaning—these are the cornerstone of the scripture—and others are not entirely clear” مِنْهُ ءَالِيَتْ مُحَكَّمٌ هُنَّ أُمُّ الْكِتَبِ وَأَخْرُ مُتَسَبِّهِتٍ
Taqlīd	Taqlīd, often translated as blind following or imitation, is more accurately translated as “deference to precedent”
Methodology	<p>Methodology matters in the determination of what constitutes a valid interpretation</p> <p>The question of whether an opinion is correct misses the point</p> <ul style="list-style-type: none"> - Since most legal opinions are based on <i>zannī</i> texts, there is no way of determining their meanings with absolute certainty even if one believes that there is only one correct interpretation
Using <i>dalīl</i>	<p>A <i>dalīl</i> is not proof, but it is evidence, indication, or pointing to a direction</p> <p>Confusing evidence (a <i>dalīl</i>) with proof (<i>hujjah</i>) can often result in</p>

Dismissing an opinion of a madhhab	<p>confusion</p> <ul style="list-style-type: none"> - Extracting laws from the Quran and Sunnah is not as simple as reading one piece of evidence (dalīl). Rather, it requires that one take all evidence from the Quran and hadith into consideration - Often, the novice dismisses the opinion of a madhhab after encountering a general fiqh book that mentions a few pieces of evidence that summarizes a legal opinion. In many cases, there are tens or hundreds of pieces of evidence supporting a legal opinion
Why didn't God just make everything clear in the Quran?	<p>The Quran is a book that is meant to be applied in different times and circumstances</p> <ul style="list-style-type: none"> - Zānnī texts allow legal flexibility that would otherwise not be possible had everything been spelled out in absolute detail with only one interpretation - Difference of opinion (ikhtilāf) can be utilized to accommodate different societal and individual needs <p>Differences of opinion are an intentional and inherent part of Islamic law since God has deliberately employed words that can be interpreted in more than one way</p> <p>The Quran's ambiguity in language is not an imperfection, but it rather enhances its value as a means of communication</p>
Why don't the madhhabs just follow authentic hadith?	<p>The founders of the madhhabs are noted to have said “If the hadith is authentic, it is my madhhab”</p> <p style="text-align: right;">إذا صَحَّ الْحَدِيثُ فَهُوَ مَذْهَبِي</p> <ul style="list-style-type: none"> - These statements were directed toward other mujtahids. - Al-Nawawī: This statement is directed toward the one who has attained the level of ijtihād in the madhhab. Because al-Shāfi‘ī abandoned acting on the superficial meaning of many hadith which he saw and knew. However, the evidence he had led him to criticize it, or consider it abrogated, specific, or he interpreted it, etc. <p>وَهَذَا الَّذِي قَالَهُ الشَّافِعِي لِيُسَمِّعَهُ أَنَّ كُلَّ أَحَدٍ رَأَى حَدِيثًا صَحِيحًا قَالَ هَذَا مَذْهَبُ الشَّافِعِيِّ وَعَمِلَ بِظَاهِرِهِ : وَإِنَّمَا هَذَا فِيمَنَ لَهُ رُبُّيَّةُ الْإِجْتِهادِ فِي الْمَذْهَبِ</p> <p>لِأَنَّ الشَّافِعِيَّ تَرَكَ الْعَمَلَ بِظَاهِرِ أَحَادِيثَ كَثِيرَةٍ رَأَاهَا وَعَلِمَهَا لِكُنْ قَامَ الدَّلِيلُ عِنْدَهُ عَلَى طَعْنٍ فِيهَا أَوْ سُخْنَهَا أَوْ تَخْصِيصَهَا أَوْ تَأْوِيلَهَا أَوْ تَحْوِيلَهَا</p>
Differences among madhhabs	<p>The Quran mentions “contact with women” as one of the nullifiers of ablution</p> <ul style="list-style-type: none"> - The Shāfi‘ī madhhab understands this to be physical contact, meaning that any skin-to-skin contact between a man and woman invalidates both of their ablution - The word “lāmāstūm” can also mean intercourse and this is the opinion of the Hanafis <ul style="list-style-type: none"> - The Shāfi‘īs adhere to the literal meaning of “lāmāstūm” and in most cases one should not abandon

	<p>the literal meaning in favor of a symbolic one without evidence</p> <ul style="list-style-type: none"> - However, the Ḥanafīs depart from the literal meaning based on the hadith of ‘Ā’ishah RA: “I used to stretch my legs towards the qiblah in front of the Prophet while he was praying; he touched me whenever he prostrated and I would move my legs.” - The Shāfi’īs interpret the hadith by noting that the Prophet ﷺ did not touch ‘Ā’ishah’s skin, but her clothing - The verse and hadith have a degree of ambiguity so scholars must engage in a process of interpreting them to the best of their ability <ul style="list-style-type: none"> - One who chooses to not follow a madhhab will still have to engage in a process of interpretation when encountering these verses and hadith
Formulating new rulings	<p>If it is necessary to reconsider an Islamic legal ruling in order to provide a realistic and practical solution for Muslims in the modern world then a collective <i>ijtihād</i> by a qualified body of scholars is the best option</p>