

Fast 8: Exercise of Judgment or *Ijtihād* — Schools of Jurisprudence

The rise and fall of use of reasoning in Islam

- In the second century of the Islamic era, the four great jurists arose who codified Islamic law among Sunni Muslims according to the needs of their time. Their names are very well known:
 - Imam Abu Hanifah (died 150 A.H. / 767 C.E.)
 - Imam Malik (died 179 A.H. / 796 C.E.)
 - Imam Shafi'i (died 204 A.H. / 820 C.E.)
 - Imam Ahmad ibn Hanbal (died 241 A.H. / 855 C.E.)
- Abu Hanifah's School is the most widely followed in the Muslim world and it is the one that Muslims in the Indian subcontinent follow. Imam Abu Hanifah based his system largely on the Quran, and on very few Hadith reports since in his time Hadith reports had not yet been compiled into collections.
- Later on when Hadith was collected, and was more in use, the followers of the Hanafi system introduced into it more reports.
- The development of this system on the right lines would have resulted in immense benefit to the Muslim world. **But this did not happen.**
- It was Abu Hanifah who first directed attention to the great value of reasoning in legislation. He also laid down the principle of equity, whereby new laws could be made and inequitable judgments overturned.
- After Abu Hanifah came the other three Imams. Each of them created their own set of laws, but they relied much more on Hadith.
- The use of reason was declining as we move from the first Imam to the fourth one. Maulana Muhammad Ali writes:

“Ahmad ibn Hanbal made very little use of reasoning, and as he depended almost entirely on Hadith, the result was that he admitted even the weakest report. It would thus appear that from the system of Abu Hanifah, who applied reasoning very freely and sought to deduce all questions from the Quran by the help of reason, the system of Ahmad ibn Hanbal is distinguished by the fact that it makes the least possible use of reason, and thus there was a marked falling off in the last of the four great jurists from the high ideals of the first, so far as the application of reason to matters of religion is concerned.”

- Maulana Muhammad Ali writes further:

“Even the system of Abu Hanifah himself deteriorated on account of the later jurists of that school not developing the master’s high ideal, with the consequence that the world of Islam gradually shut the door to *Ijtihād* or Exercise of Judgment and stagnation reigned in the place of healthy development.”

- After the first six centuries of Islam, **scholars began to regard the door of *Ijtihād* to be closed.** They said that from now on there can only be *followers*. They can only quote an earlier decision or, if there are different earlier decisions about the same issue, they can choose any one of those decisions, **but they cannot question the correctness of what has been said.**
- On the contrary, the Holy Quran recognizes independence of opinion for one and all, and requires that absolute obedience be given only to God and His Messenger. Independence of thought for every Muslim is recognized by allowing him to differ with all except the Quran and Hadith. And since the ultimate test of the correctness of Hadith is the Quran itself, the conclusion is evident that Islam allows independence of thought subject only to one thing, that the principles laid down in the Quran are not contravened.
- Maulana Muhammad Ali concludes:

“It will thus be seen that any Muslim community has the right to make any law for itself, the only condition being that such law shall not contravene any principle laid down by the Holy Quran. The impression prevailing in the Muslim world at present that no one has the right, even in the light of the new circumstances which a thousand years of the world’s progress have brought about, to differ with the four Imams, is entirely a mistaken one. The right to differ with the highest of men below the Prophet is a Muslim’s birthright, and to take away that right is to stifle the very existence of Islam.

Under the present circumstances, when conditions have quite changed and the world has been moving on for a thousand years, while the Muslims have more or less stagnated, it is the duty of Muslim states and Muslim peoples to apply their own judgment to the changed conditions, and find out the ways and means for their temporal salvation.”