

The Four Madhhabs of Islam  
and their relationship with the present time



4 THE  
MADHHABS  
OF  
ISLAM  
&  
THEIR RELATIONSHIP  
WITH THE  
PRESENT TIME

ABDALHAQQ BEWLEY WITH OTHERS

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The Four Madhhabs of Islam & Their Relationship with the Present Time

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## PREFACE

**T**HIS COLLECTION tackles the issue of the four *madhhabs* of Islam in a ground-breaking and thought-provoking way that has rarely been approached in our time in any language let alone English.

The contribution after which the book itself is named, *The Four Madhhabs of Islam and Their Relationship with the Present Time*, by Abdalhaqq Bewley, well-known writer on Islamic topics and translator of classical Islamic texts, presents a historical understanding of the origins of the *madhhabs* and their development which allows us to grasp our present situation in a new and liberating way, acknowledging both the interruption in the classical four-*madhhab* picture and the inadequacy of a simple *salafi* response. This leads the author to treat the actual way that Islam has been transmitted over the centuries: in the form of practice backed up by scholarship. Most significantly he leads us to return to the transmission of that practice – the *'amal* – in the first community.

The second and third contributions by Aisha Bewley, noted translator of numerous classical texts including the *Noble Qur'an, a new rendering of its meanings in English*, and Dr. Yasin Dutton, Associate Professor of Arabic Studies University of Cape Town, focus upon this often misunderstood term, the *'amal*, or practice, of the People of Madinah. They tackle the matter from different perspectives, which is useful in order for the reader to come to terms with it, because, unless he or she is already committed to the school of the People of

Madinah, they are likely only to have heard the case made for the importance of the hadith.

The fourth contribution, again from Abdalhaqq Bewley, derives from his participation in an exchange on an Internet forum in which the participants tried to grapple with the issue of authentically embodying the *din* in this time. This contribution is important because in it the author shows how the *din* reached him (and the other authors) in transmitted practice, generation from generation from the first community and not merely as intellectual propositions or transmitted texts, although backed up by them.

The thesis of this book is that just as a way based exclusively on scholarship and study of texts is paralysing and inhibiting, and to it can be attributed much of the helplessness of contemporary Muslims, recovery of transmitted practice backed by scholarship is a dynamic and liberating way that can lead to a new flowering of the *din* in every age.

This thesis is not new, but, as Shaykh Dr. Abdalqadir as-Sufi showed in his seminal work *Root Islamic Education*, was that of key people of knowledge of the Madinan school throughout the ages, most notably but not exclusively Qadi 'Iyad and the historical Murabitun. And in their hands it led to a regeneration of Islam. And that potential for resurgence is the good news which this text brings the reader.

Abdassamad Clarke  
Director,  
The Norwich Conference

THE FOUR MADHHABS OF  
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ABDALHAQQ BEWLEY

**A**LL MUSLIMS agree that the basis of Islam is the Book and Sunnah and almost all Muslims agree that if someone follows the teachings of any one of the four orthodox *madhhabs* of Islam – the Hanafi, Maliki, Shafi'i and Hanbali *madhhabs* – they will certainly be living within the parameters of the Book and Sunnah. The great majority of Muslims are affiliated to one or the other of these *madhhabs* but for almost all of them this affiliation takes place for purely geographical reasons and very few know very much about the nature of the *madhhab* they belong to. There is a common perception that the *madhhabs* are all more or less the same and only differ in respect of slight legal points such as where you put your hands in the prayer and other things of that nature. But that does not really explain why there should be these four *madhhabs* at all. In order to discover the reason for their existence it is necessary to look at each of

them and find out how and why they came into being in the first place.

The first of the four *madhhabs* in historical terms is the *madhhab* of Abu Hanifah who was born in roughly 80AH and died in 150AH. The salient fact about Imam Abu Hanifah, may Allah have mercy on him, was that he did not live in Madinah, where the *din* had originally been established; he lived in Iraq and his school developed in Iraq. He grew up in Kufa, was educated there and lived most of his life there, first as a merchant, then as a student and finally as a teacher. Kufa was one of the two great Iraqi cities of the time and Iraq was home to many different religions, sects and beliefs because, apart from containing the capital of the recently defeated Persian empire, it was also the home of various other ancient civilisations. Syriac Christians were dispersed throughout it and they had schools there in which Greek philosophy and the ancient wisdom of Persia were studied. In other words, at the time we are speaking of, Iraq was a melting pot of diverse races, cultures and beliefs and a place rife with confusion and disorder. There were frequent clashes of opinion on the subject of politics and religion. The Shi'a and Mu'tazilites stemmed from there and there were Kharijites in its deserts.

Along with this was the fact that comparatively few Companions had travelled from Madinah and settled in Iraq. Indeed it was an explicit policy of the second *caliph* 'Umar ibn al-Khattab ؓ, to discourage Companions with knowledge from leaving the Hijaz. He did this in order to prevent knowledge of the *din* becoming too dispersed. For this reason most of the great men of knowledge among the Muhajirun and Ansar stayed within the confines of Madinah. Two notable exceptions who did go to live in Iraq were 'Ali ibn Abi Talib, *karama'llahu wajhah*, and 'Abdallah ibn Mas'ud ؓ, but the overall number was in fact very small. What that meant, in real terms, was that the people of Iraq had very limited direct access to the Sunnah, because there were very few exemplars of it who came to them. All these factors meant that the Iraqi environment in which Islam was

beginning to take root in the first and second centuries after the Hijrah was a very different one from that of Madinah in which the *din* had originally been established.

Another corollary development was that, due to these multifarious foreign influences, many situations arose which were quite alien to anything confronted in the earliest days of Islam. Nevertheless, it was, of course, necessary for the establishment of the *din* that solutions should be found for these new contingencies so that they could find their place within the compass of Islam.

This was the environment within which the Iraqi school developed and which caused it to have the particular form which came to characterise it so clearly. As we have seen, for historical, geographical and social reasons, the situation in Iraq was markedly different from that of the Hijaz where the *din* had originally been established and taken root. This meant, as we have noted, that new situations were continually arising and it was a question of how to apply the Book and Sunnah to these novel circumstances in such a way that the *din* would remain unchanged. As far as the Book of Allah was concerned, of course, the Iraqis had the same access to it as the Muslims in the Hijaz and those in every other place to which the *din* had spread. The difference was in their access to the Sunnah.

We have already noted that direct knowledge of the Sunnah in Iraq was limited because of the small number of Companions who moved there. On the other hand in Sayyidina 'Ali and 'Abdallah ibn Mas'ud رضي الله عنهما, they had two of the most knowledgeable Companions and two of those closest to the Prophet ﷺ and so their direct access to the Sunnah, although very limited in extent, was at the same time of the very highest quality. This led to the distinctive approach to the Sunnah which characterised the Iraqi school and in turn even coloured their attitude to the Qur'an itself. Because of the irreproachability of their direct sources to the Sunnah they were quite rightly supremely confident concerning what had reached them through them, but because of the limited scope of what they received there

were many gaps in their knowledge.

In the period we are talking about there was already much forgetfulness and it was even the case that instances of hadith forgery were beginning to be recorded so that, rather than relying on sources about which they were not sure, the scholars of Iraq preferred to come to a judgement based on the use of their own reason within clearly defined parameters based on the knowledge of Book and Sunnah about which they did have absolute certainty. In this they were in fact following the example of Ibn Mas'ud himself who refrained from attributing statements or actions to the Prophet ﷺ unless he was absolutely sure they were correct and, in cases where he was not certain, would prefer to exercise his own opinion rather than falsely ascribe something to him.

This led to a way of looking at texts which was typical of the Iraqi school, whereby they would examine the reasons behind the judgements contained within them. It was almost as if they did not depend on the outward words but would, instead, look to the meaning behind them and what was intended by the statement involved and would then apply that analogically to the new situation confronting them. This methodology of implementing the Book and Sunnah, which developed in Iraq, caused the Iraqis to be known as the people of *ra'y* or opinion. Another of the characteristics of this school was that its adherents did not confine themselves to the deduction of rulings to be applied to actually existing cases but also posed hypothetical questions and gave judgment on them as well on the basis of their own reasoning, with the object of pre-empting situations which might well occur in the future.



The great Iraqi scholar Ibrahim an-Nakha'i is generally credited with being the founder of the Iraqi school of *fiqh* we have been talking about, but there is no doubt that its greatest exponent and the man who gave it his name and who became