and hero. Here too Muḥammad ʿAbduh bears a measure of responsibility for initiating a tradition of distaste for the Muslim intellectual traditions (as well as for the mystical experience of the Ṣūfīs). Sayyid Quṭb, the ideologue of the Muslim Brothers executed in Egypt in 1966, was in this respect an intellectual descendant of ʿAbduh. For him, in the end, all of Islamic history after the early generations was only a continuation of the Jāhilīyah, the Age of Ignorance, and the works of the *fuqahā'* were something like a betrayal of the existential task they should have executed. In his work of Qur'ānic exegesis, *Fi ẓilāl al-Qur'ān,* he frequently made the point: "The *sharīʿah* has been revealed in order to be implemented, not to be known, to be studied, and to be changed into culture in books and treatises" (Beirut, 1971, vol. 1, p. 746). This reverses the priorities and denies the achievement of an ancient juristic tradition of thought and literature; and it promotes the word *sharīʿah* as if it designated a blueprint for the Islamic state. In this form, *sharīʿah* could be part of a call to political action, and it was subject to the usual constraints of political expediency. This has sometimes taken the form of promoting fragments of the law as symbols of islamization. For example, in Sudan in 1983, President Nimeiri enacted the Islamic canonical penalties for fornication, wine-drinking, and other offenses. Politically insensitive at best, these moves (reenacted and extended later by an Islamic government) were also a trivialization of the tradition of *fiqh.*

The Islamic Revolution in Iran (1978–1979) is sometimes described as a fundamentalist movement, but it is not so in the strictly doctrinal sense. The theory that underlay the Ayatollah Khomeini's propaganda and provided him legitimacy in his own eyes and in those of his followers was central to the tradition of juristic thought in Shīʿī Islam. Khomeini built on the tradition; he did not abandon or cheapen it. And the tradition was not in the end incompatible with substantial continuity in the constitutional and legal structures of Iran, as well as in its political institutions.

Islamic law has been throughout the history of Islamic culture the prime focus of intellectual effort. It is a correspondingly complex affair, a structure in which several traditions of juristic thought and many types of social reality have had to be discovered to be in some kind of justificatory harmony with one another and with the texts of revelation. Its rewards as an object of study are evident. For the Muslim community, the assimilation of its messages to the needs of the current generation is, now as in the past, both an intellectual and an imaginative challenge, as well as a generally acknowledged a religious duty.

[*See also* Faqīh; Ḥadīth; Ijtihād; Qāḍī; Salafīyah; Waqf.]

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NORMAN CALDER

Sunnī Schools of Law

The beginnings of the schools of law in Islam go back to the late Umayyad period, or about the beginning of the second Islamic century, when Islamic legal thought started to develop out of the administrative and popular practice as shaped by the religious and ethical precepts of the Qur'ān and the *ḥadīth.* The role of the Qur'ān at this very early stage can be taken for granted, but the role of *ḥadīth,* or traditions of the Prophet, has been subject to dispute among scholars; some maintain that they became efficacious only after Muḥammad ibn Idrīs al-Shāfiʿī (d. 820) insisted that they be. In the main centers of the early Islamic world, local scholars and private jurists developed their doctrines based on combinations of local practice, the Qur'ān, and their knowledge of the traditions, using varying degrees of analogical reasoning in the interpretation and application of the holy texts. This geographical variation thus gave rise to varying doctrines. Shāfiʿī says, "Every capital of the Muslims is a seat of learning whose people follow the opinion of one of their countrymen in most of his teachings." He goes on to mention the local authorities of the people of Mecca, Basra, Kufa, and Syria; elsewhere he speaks of the Iraqis and the Medinese. They all followed their own doctrines based on what Joseph Schacht calls their "living traditions" and the free exercise of personal opinion, in the absence of strict rules for deriving legal norms like those elaborated by Shāfiʿī. At this stage the adage had not yet arisen that the true home of the *sun-*

nah (the model behavior of the Prophet) was Medina.

Comparatively little is known about the doctrines of the Meccans, the Basrans, and the Syrians, although we possess some documentation of the famous representative of the latter, ʿAbd al-Raḥmān al-Awzāʿī (d. 773), particularly about the laws of warfare. Of the Medinese and the Kufan doctrines we know more, possibly because they later developed into the Mālikī and the Ḥanafī schools, respectively, which have continued to this day. Shāfiʿī, the founder of the school that carries his name, considered himself a member of the Medinese school, but he was uncompromising in taking the Medinese and other early law schools to task for not making the traditions of the Prophet supersede their customary practices. He insisted that nothing could override the practice of the Prophet even if that were attested by only a single tradition. His insistence was to have a lasting influence on the legal theory of all schools that accorded traditions a place second only to the Qur'ān in formulating rules, and that identified *sunnah,* previously understood as the model practice of the community, with the traditions of the Prophet. The Medinese until that time appear to have authenticated only those traditions agreed upon by the people of Medina, and to have allowed sound reason and analogy to supersede traditions. The Iraqis, who were accused by their opponents of caring little for traditions, seem actually to have been more knowledgeable about the traditions than were the Medinese, whose attitude toward traditions they shared. Still, some Iraqis, particularly Muḥammad ibn al-Ḥasan al-Shaybānī (d. 804), seemed to anticipate Shāfiʿī in insisting on the decisive role of traditions.

This article will treat the development of the various Sunni schools, four of which are extant and three extinct. It will discuss their main doctrines, their major figures, their major books, and their provenance and present locations. Although the legal theories as developed by the various jurists may be regarded as more closely related to the topic of *uṣūl al-fiqh* ("roots of jurisprudence"; the bases through which practical legal rules are derived), some reference will be made to them here as well. [*See* Uṣūl al-Fiqh.]

Ḥanafī School. One of the geographical centers of legal thought was Kufa in Iraq. The servant and companion of the Prophet, ʿAbd Allāh ibn Masʿūd (d. 653), had been sent there by the caliph ʿUmar as a teacher and jurist. His students and theirs in turn achieved prominence as jurists; notable among them were ʿAlqamah al-Nakhaʿī, Masrūq al-Hamadānī, al-Qāḍī Shurayḥ, Ibrāhīm al-Nakhaʿī, ʿĀmir al-Shaʿbī, and Ḥammād ibn Abī Sulaymān (d. 738), the teacher of Abū Ḥanīfah, the eponym of the school.

Abū Ḥanīfah (699–767) is the agnomen of Nuʿmān ibn Thābit, of Persian extraction and a native of Kufa. He first studied scholastics and then concentrated on the jurisprudence of the Kufa school while gaining his living as a textile merchant. His training in scholastics coupled with his experience as a merchant imparted to him the unusual ability to use reason and logic in the application of rules to the practical questions of life, and to broaden those rules by the use of analogy *(qiyās)* and preference *(istiḥsān).* His liberal use of opinion in the formulation of analogy and preference caused his school to be dubbed the People of Opinion, as distinguished from the People of Traditions who depend on traditions in the formulation of rules—even though his school was not less knowledgeable about traditions. He was reported to have said, "This knowledge of ours is opinion; it is the best we have been able to achieve. He who is able to arrive at different conclusions is entitled to his opinion as we are entitled to our own."

On the whole, the legal doctrines of Abū Ḥanīfah evidence a liberality and a respect for personal freedom that are not that pronounced among other jurists. He was the first to formulate contract rules concerning contracts, which reflect his attachment to the principle of freedom of contract as exemplified in the contracts of *salam* and *murābaḥah.* The first allows the immediate payment of the price of goods for future delivery, although the contract of sale stipulates the immediate exchange of an object and its price; the second allows a merchant to sell to another what the former had bought at the original price plus a stipulated profit, provided that usury is not involved. In the field of personal law, he allows a free girl who had reached her majority to marry without the intercession of a marriage guardian, although later Ḥanafī doctrine restricted that right to a woman who had previously been married. Also contrary to all other jurists, including the dominant opinion in his own school, he would not interdict the spendthrift, contending that a person who has reached majority is independent and can do as he wishes with his property.

The legal thought of Abū Ḥanīfah was transmitted by his students, four of whom achieved fame—Abū Yūsuf, Ẓufar ibn al-Hudhayl, Muḥammad ibn al-Ḥasan al-Shaybānī, and al-Ḥasan ibn Ziyād. In particular, Abū Yūsuf and Muḥammad were able to spread the influence of the school through their writings and their high posi-

tions in the ʿAbbāsid state; they were often referred to as al-Ṣāḥibān (the Two Companions). Abū Yūsuf, whose name was Yaʿqūb ibn Ibrāhīm al-Anṣārī (731–798), was appointed a judge in Baghdad and later became the first *qāḍī al-quḍāt,* or chief justice, with authority to appoint judges in the empire. On various occasions he differed with the opinions of his master, basing his decisions on traditions that may not have been available earlier. His book *Kitāb al-kharāj* is in the form of a treatise he prepared for Caliph Hārūn al-Rashīd on taxation and the fiscal problems of the state.

To Muḥammad ibn al-Ḥasan al-Shaybānī (749–804) goes the credit for writing down the legal thought of the Ḥanafī school. He was trained in the jurisprudence of the Iraqi school as well as in that of Medina, for he traveled to Medina and studied under the scholar Mālik ibn Anas, a version of whose book *Al-muwaṭṭa'* was transmitted by him. Caliph al-Rashīd appointed him *qāḍī* of Raqqah and later removed him, but he accompanied the caliph to Khurasan and died at Rayy. The books he compiled contain many of the detailed rules he extracted, particularly on the laws of inheritance, as well as the doctrine of his school. Often the dominant opinion of the school reflected his opinion on a disputed topic. His books have been classified into two categories: Ẓāhir al-Riwāyah, whose transmission from him has been authenticated, and al-Nawādir, books transmitted by less reliable authorities. The first category consists of the six books *Al-mabsūt, Al-jāmiʿ al-kabīr, Al-jāmiʿ al-ṣaghīr, Al-siyar al-kabīr, Al-siyar al-ṣaghīr,* and *Al-ziyādāt.* These books were collected in one volume known as *Al-kāfī* by Abū al-Faḍl Al-marwazī, better known as al-Ḥākim al-Shahīd (d. 955). This collection was later annotated in a thirty-volume work, *Al-mabsūt,* by the distinguished scholar Muḥammad ibn Aḥmad al-Sarakhsī (d. 1090). This work was the basis of the Ottoman civil code of 1869, the *Mecelle* (Ar., *Majallah*), part of the legal reforms of the Tanzimat period. [*See* Mecelle.] The second category, al-Nawādir, consists of *Amālī Muḥammad* or *Al-kaysānīyāt* reported by Shuʿayb al-Kaysānī, *Al-raqqīyāt* (cases submitted to al-Shaybānī while he was a judge in Raqqah), *Al-makhārij fī al-ḥiyal* on legal fictions and devices, and five other lesser-known collections.

Famous scholars of the next generation or two include Hilāl al-Ra'y (d. 859); Aḥmad ibn ʿAmr al-Khaṣṣāf (d. 874), author of *Al-ḥiyal* on legal fictions and devices, *Al-waqf* on religious foundations, and *Adab al-qāḍī* on procedure and evidence (commented on by Abū Bakr Aḥmad ibn ʿAlī al-Jaṣṣāṣ (d. 980), author of *Aḥkām al-Qur'ān;* and Abū Jaʿfar al-Ṭaḥāwī (d. 933), author of *Al-jāmiʿ al-kabīr fī al-shurūṭ* on legal formularies. Still later generations produced Abū al-Ḥasan al-Karkhī (d. 951); al-Sarakhsī, mentioned earlier; ʿAlī ibn Muḥammad al-Bazdawī (d. 1089), author of *Al-uṣūl* on jurisprudence; Abū Bakr al-Kāsānī (d. 1191), author of *Badā'iʿ al-ṣanā'iʿ fī tartīb al-sharā'iʿ;* and Burhān al-Dīn ʿAlī al-Marghīnānī (d. 1196), author of the famous and authoritative *Al-hidāyah,* which has been the subject of many commentaries.

There followed a period of stagnation and imitation of earlier jurists in which existing works were abridged and annotated. An abridgement that received wide recognition was *Al-mukhtaṣar* by Aḥmad ibn Muḥammad al-Qudūrī (d. 1036). Also compiled were some *fatwās,* works presenting actual or theoretical questions and answers. Chief among these were *Al-fatāwā al-khānīyah* by Qāḍīkhān Ḥasan ibn Manṣūr (d. 1195), *Al-fatāwā al-khayrīyah* by Khayr al-Dīn al-Ramlī (d. 1670), *Al-fatāwā al-Hindīyah*—compiled in India by order of the Mughal emperor Awrangzīb ʿĀlamgīr (d. 1707) and consisting of extracts from the authoritative works of the school—and *Al-fatāwā al-mahdīyah* by the Egyptian *mufti* Muḥammad al-ʿAbbāsī al-Mahdī (d. 1897). In addition, a number of later Ḥanafī works achieved prominence in the Ottoman Empire, chief among which were *Multaqā al-abḥur* by Ibrāhīm al-Ḥalabī (d. 1549) and *Radd al-muḥtār* by Muḥammad Amīn ibn ʿĀbidīn (d. 1836).

The Ḥanafī is the most widespread school in Islamic countries. The fact that it was the dominant school during the ʿAbbāsid Caliphate, owing to the efforts of Abū Yūsuf and other early Ḥanafīs, gave it an advantage over the others. Moreover, it was the official school of the Ottoman Empire with its farflung dominions, and in 1869 its doctrines were enshrined in the *Mecelle,* or civil code, to be applied in the newly created secular *(niẓāmīyah)* courts, Ḥanafī law continued to be applied to Muslim personal-status matters. It is still the official school for issuing *fatwās* and for application to the personal-status matters of Sunnī Muslims in the successor states of the Ottoman Empire, including Egypt, Syria, Lebanon, Iraq, Jordan, and Israel-Palestine. In Turkey, which is officially secular, Ḥanafī law governs religious observances. It continues to be the dominant school for application to personal-status matters and/or for religious observances among the Muslims of the Balkans, the Caucasus, Afghanistan, Pakistan, India, the

Central Asian republics, and China. It is estimated that its adherents constitute more than one-third of the world's Muslims.

Mālikī School. This school developed in the Arabian peninsula, the original abode of Islam. It was originally referred to as the School of Hejaz or the School of Medina, and its doctrines are often attributed to such early Muslims as ʿUmar ibn al-Khaṭṭāb, ʿAbd Allāh ibn ʿUmar, Zayd ibn Thābit, ʿAbbās (the Prophet's uncle), and ʿĀ'ishah (the Prophet's wife). Of the early jurists of the school who achieved fame, mention may be made of Saʿīd ibn al-Musayyab, ʿUrwah ibn al-Zubayr, and Abū Bakr ibn ʿAbd al-Raḥmān. A later generation of jurists and traditionists were the teachers of Mālik, the eponym of the school. These included Rabīʿah ibn ʿAbd al-Raḥmān (d. c.748–753), known as Rabīʿah al-Ra'y or Rabīʿah of Opinion (or of Good Judgment, as suggested by Amīn al-Khawlī); Nāfiʿ (d. 735 or 737), the freedman of Ibn ʿUmar; Ibn Shihāb al-Zuhrī (d. c.740–742); Ibn Hurmuz (d. 765); and Jaʿfar al-Ṣādiq (d. 765), the revered Shīʿī imam and eponym of the Jaʿfarī Shīʿī school of law.

Mālik ibn Anas al-Aṣbaḥī, of Yemenite descent, was born in Medina in 713 and lived there until his death in 795, having left it only to perform the pilgrimage at Mecca. He thus epitomized the learning of the people of Medina. In his book *Al-muwaṭṭa'*, a collection of traditions from the Prophet, companions, and followers arranged according to the subjects of jurisprudence, he often would confirm a legal point by saying, "And this is the rule with us", or "And this the rule agreed upon by consensus here." It was said that *Al-muwaṭṭa'* was transmitted in several versions, but only two have reached us: the version transmitted by the Ḥanafī al-Shaybānī, mentioned earlier, and the version transmitted by Yaḥyā al-Laythī (d. 848) and commented upon by al-Zarqānī, al-Suyūṭī, and others. Fragments of a third version transmitted by the Tunisian ʿAlī ibn Ziyād (d. c.800) have also survived.

Mālik was undoubtedly tradition-bound in his legal doctrines. He would often emphasize that he would not deviate from what he had received from his teachers or from the consensus of the scholars of Medina. Sometimes, however, he utilized a form of thinking similar to analogy, which has prompted Abū Zahrah to assert that Mālik used *ra'y* (personal opinion) as well as *qiyās* (analogy) in arriving at a rule. Actually, he himself said, "As for those matters that I did not receive from [my predecessors] I exercised my reasoning and reflection *(ijtahadtu wa-naẓartu)* according to the course of those I have met . . . so that I would not deviate from the course of the people of Medina and their opinions *(ārā'ihim)*. If I did not hear anything specifically about a matter I attributed the opinion *(ra'y)* to me." Amīn al-Khūlī explains that the word *ra'y* at that time did not bear its later technical meaning of opinion vis-à-vis analogy, but meant rather "understanding" and "good judgment." He also considers the attribution by some authors of the technical concepts of preference *(istiḥsān)* and public interest *(maṣāliḥ mursalah)* to Mālik as rather anachronistic, because the science of *uṣūl al-fiqh* was still in its infancy at that time.

In the field of law proper, the Mālikī school, compared to the Ḥanafī school, evidences some conservative attitudes, particularly with regard to women. Perhaps this reflects the conservative milieu of Medina at the time of Mālik. A woman can only be married with the consent and participation of her marriage guardian; in Ḥanafī law a guardian is necessary only for a virgin below the age of puberty, and she can repudiate the marriage upon attaining puberty. Also in Mālikī law, the father or paternal grandfather has the right to give in marriage his virgin daughter or granddaughter without her consent and even, within some limits, against her wishes; in Ḥanafī law such susceptibility to compulsion *(jabr)* terminates at puberty.

Mālik's students included Muḥammad ibn al-Ḥasan al-Shaybānī, mentioned above, and Muḥammad ibn Idrīs al-Shāfiʿī, the founder of the school that carries his name. His followers included Yaḥyā al-Laythī, mentioned earlier as a transmitter of Mālik's *Al-muwaṭṭa;* the Tunisian Asad ibn al-Furāt (d. 828); and ʿAbd al-Salām al-Tanūkhī, known as Saḥnūn from Kairouan (d. 854). Andalusian jurists who gained fame included Abū al-Walīd al-Bājī (d. 1081), Ibn Rushd (d. 1126), Ibn Rushd the grandson (d. 1198), and Muḥammad ibn ʿAbd Allāh ibn al-ʿArabī (d. 1148). Later generations of jurists included Abū al-Qāsim ibn Juzayy (d. 1340), author of *Al-qawānīn al-fiqhīyah fī talkhīṣ madhhab al-Mālikīyah;* Sīdī Khalīl (d. 1365), author of the authoritative *Al-mukhtaṣar;* and Muḥammad ibn ʿAbd Allāh al-Khirshī (d. 1690), a rector of al-Azhar and author of a commentary on Khalīl's work. The major reference work for this school nowadays is *Al-mudawwanah,* compiled by Asad ibn al-Furāt and later edited and arranged by Saḥnūn under the title of *Al-Mudawwanah al-kubrā.* A concise work on law that has received some attention from Orientalists is *Al-risālah* by Ibn Abī Zayd al-

Qayrawānī (d. 996). Mālikī jurists who attained fame in specific fields include the Egyptian Shihāb al-Dīn al-Qarāfī (d. 1285) and the Andalusian Abū Isḥāq al-Shāṭibī (d. 1388) in questions of jurisprudence, Ibn Farḥūn (d. 1396) in legal procedure, and Aḥmad al-Wansharīsī (d. 1508) and Muḥammad Aḥmad ʿUlaysh (d. 1882) in *fatāwā* works.

Since the birthplace of the Mālikī school was Medina, it was natural that the school should spread in the Hejaz. Because of the contacts that the scholars of North Africa and Andalusia established with the scholars of Medina during the yearly pilgrimage, the Mālikī school spread to those parts and displaced the Ẓāhirī school in Andalusia where the latter, now extinct, had held sway. It continues to be the predominant school among the people of Morocco, Algeria, Tunisia, and Libya. It has also spread to upper Egypt and the Sudan as well as to Bahrain, the Emirates, and Kuwait. A number of other countries also have some Mālikī adherents.

Shāfiʿī School. This school was not so much the product of a geographical area as it was the result of a synthesis conducted by a single jurist who was thoroughly familiar with the doctrines of the two other schools. That jurist was Muḥammad ibn Idrīs ibn al-ʿAbbās ibn ʿUthmān ibn Shāfiʿ (hence the *nisbah* or attribution Shāfiʿī), a companion of the Prophet and a descendant of al-Muṭṭalib, brother of the Prophet's ancestor Hāshim. Thus he was closely enough related to the Prophet to qualify for a stipend from the fifth of the spoils of war assigned to kinsmen, among others. Shāfiʿī was born in Gaza, Palestine, in 767 and died in Egypt in 820. When he was two years old his father died, so his mother took him to Mecca to be among his kin and to preserve his noble heritage. After memorizing the Qur'ān and studying *ḥadīth,* he was sent to the desert where he accompanied the Hudhayl tribe, which was famous for its eloquent speech and poetic tradition. Later he traveled to Medina to study *fiqh* under Mālik, whose reputation had spread far and wide. When Mālik died, Shāfiʿī worked with the governor of Yemen and later was taken to Iraq on the orders of Caliph al-Rashīd to answer charges that he was an ʿAlīd sympathizer. His eloquent defense, added to a word in his favor from the Qāḍī Muḥammad ibn al-Ḥasan al-Shaybānī, saved his life. He then applied himself to the study of Iraqi *fiqh* under al-Shaybānī and read the latter's books. This opportunity to combine the knowledge of Iraqi *fiqh* with that of the Hejaz, added to the experience gained in his extensive travels, placed Shāfiʿī in a good position to formulate the theoretical bases for law in his famous *Al-risālah. Al-risālah* was written in Baghdad during a second visit to that city and refined when the author moved to Egypt in 814–815.

In the field of law Shāfiʿī continued to regard himself as a member of the school of Medina even though he had adopted the essential thesis of the traditionists that the traditions were superior in the formulation of laws to the customary doctrines of the earlier schools. Through vigorous polemics he tried to convert the adherents of the other schools to his doctrine, but they were not willing to abandon their own doctrines, although they accepted his legal theory, which is traditionist by inspiration. Those legal specialists of both schools who accepted Shāfiʿī's thesis completely became his followers, and thus a new school arose with a doctrine formulated by an individual founder. The doctrine was first formulated in Iraq, but when Shāfiʿī moved to Egypt he retracted some of his earlier pronouncements; the resulting doctrine has come to be known as the Egyptian, or new, version of the school.

Shāfiʿī authored or dictated to his pupil al-Rabī ibn Sulaymān (d. 884) the book known as *Al-umm,* a truly seminal work that defines not only the doctrine of Shāfiʿī but also many of the differences among the other schools. The seven-volume work deals with the various topics of law including transactions, religious observances, penal matters, and matters of personal status. It also includes such topics as the differences between ʿAlī and Ibn Masʿūd, the disagreement between Shāfiʿī and Mālik, the refutation by al-Shaybānī of some doctrines of Medina, the dispute between Abū Yūsuf and Ibn Abī Laylā, and the reply of Abū Yūsuf to the work on *siyar,* or the law of war and peace, by al-Awzāʿī. *Al-umm* above all treats Shāfiʿī's favorite topic, an attack on those who do not accept the entire body of traditions in the formulation of rules, and the invalidation of preference *(istiḥsān)* as a source of law. On the page margins of volume seven of *Al-umm* as printed in Cairo (1968) is another work by Shāfiʿī entitled *Ikhtilāf al-ḥadīth,* also reported by al-Rabī.

Certain students of Shāfiʿī in Iraq founded their own schools; these were Aḥmad ibn Ḥanbal, Dāwūd al-Ẓāhirī, Abū Thawr al-Baghdādī, and Abū Jaʿfar ibn Jarīr al-Ṭabarī. All but the school of Ibn Ḥanbal have become extinct. In Egypt Shāfiʿī's students included Abū Yaʿqūb al-Buwayṭī (d. 845), Ismāʿīl al-Muzanī (d. 877), the author of *Al-mukhtaṣar* on Shāfiʿī jurisprudence, and al-Rabī.

Some famous jurists who later propagated the Shāfiʿī school included Abū Isḥāq Ibrāhīm ibn ʿAlī al-Shīrāzī (d. 1083), the author of *Al-muhadhdhab* and the scholar for whom the vizier Niẓām al-Mulk built the Niẓāmīyah school in Baghdad; the philosopher and jurist Abū Ḥāmid al-Ghazālī (d. 1111), who authored *Al-mustaṣfā* and *Al-wajīz* in jurisprudence and law; ʿIzz al-Dīn ibn ʿAbd al-Salām (d. 1261), the author of *Qawāʿid al-aḥkām fī maṣāliḥ al-anām,* a magnificent treatment of detailed principles and maxims of jurisprudence; Muḥyī al-Dīn al-Nawawī (d. 1277), the author of the famous *Minhāj al-ṭālibīn;* Taqī al-Dīn al-Subkī (d. 1355), the author of *Fatāwā al-Subkī;* and the encyclopedic author Jalāl al-Dīn al-Suyūṭī (d. 1505), who wrote *Al-ashbāh wa-al-naẓā'ir* on Shāfiʿī law.

Since Egypt was the home of the new school of Shāfiʿī, it was natural that it would strike deep roots there. It was the official school during the Ayyūbid dynasty (1169–1252) and occupied a prime position during the Mamlūk regime that followed. Only when the Ottomans occupied Egypt in 1517 did the Ḥanafī school displace it. Today, although the Ḥanafī school is officially enforced by the courts in matters of personal status, many Egyptians, particularly in the rural areas, follow the Shāfiʿī school in their religious observances. So do the great majority of Muslims in Palestine and Jordan, many adherents in Syria, Lebanon, Iraq, the Hejaz, Pakistan, India, and Indonesia, and the Sunnī inhabitants of Iran and Yemen.

Ḥanbalī School. This is also a personal school in that it represented in the main the legal opinions, sayings, and *fatwā*s of a single person, Aḥmad ibn Ḥanbal. Ibn Ḥanbal was born in Baghdad in 780 and died there in 855. He traveled widely to Syria, the Hejaz, and Yemen as well as to Kufa and Basra in Iraq in pursuit of the traditions collected in his monumental work *Musnad al-Imām Aḥmad* in six volumes containing more than forty thousand items. This, added to the fact that he never authored a work on *fiqh* at a time when many others were writing on the subject, made many Muslim biographers consider him a traditionist rather than a jurist. His students, however, collected his legal opinions and *fatwā*s, and the result was a body of juristic principles and laws worthy of being designated a school.

The attachment of this school to traditions is reflected in its departure from the other schools concerning the sources of law. According to Ibn Qayyim al-Jawzīyah (d. 1350), a late Ḥanbalī jurist, the sources are five: the texts of the Qur'ān and *sunnah;* the *fatwā*s of the companions when not contradicted by the former sources; the sayings of single companions when in conformity with the Qur'ān and *sunnah;* traditions that have a weak chain of transmission or lack a name of a transmitter in the chain; and finally, reasoning by analogy when absolutely necessary.

Ibn Ḥanbal became famous in Islamic history for his rigorous attachment to his faith and his principled stand against the doctrine of the createdness of the Qur'ān during the Inquisition in Baghdad, even though he was beaten and imprisoned. This tenacious attachment to principle was later reflected in two followers who rejuvenated his school—Ibn Qayyim, mentioned above, and his teacher Taqī al-Dīn ibn Taymīyah (d. 1327), both of whom were imprisoned in the citadel of Damascus. It was also apparent in the career of Muḥammad ibn ʿAbd al-Wahhāb (d. 1792), the famous Ḥanbalī reformer of Nejd.

Followers of this school include Muwaffaq al-Dīn ibn Qudāmah (d. 1223), the author of the monumental twelve-volume *Al-mughnī* as well as *Al-ʿumdah;* Taqī al-Dīn ibn Taymīyah, author of the famous *Fatāwā* and *Al-siyāsah al-sharʿīyah;* and Ibn Qayyim al-Jawzīyah, author of *Iʿlām al-muwaqqiʿīn* and other works. The rejuvenated school, which had not enjoyed many followers before Ibn Taymīyah, was further strengthened in the eighteenth century by Ibn ʿAbd al-Wahhāb and his reform movement in Arabia, which aimed at taking Islam back to its simple and pristine beginnings, depending on the Qur'ān and the *sunnah* instead of later scholars. The success of the Wahhābiyan and the return of the Saudi family to power early this century established the Ḥanbalī school as the official school of Saudi Arabia. It is also the official school of Qatar and has many adherents in Palestine, Syria, Iraq, and elsewhere. [*See* Wahhābīyah; Saudi Arabia; *and the biographies of Ibn Taymīyah and Ibn ʿAbd al-Wahhāb.*]

Extinct Sunnī Schools. The most important of these were the schools of al-Awzāʿī, al-Ẓāhirī, and al-Ṭabarī. ʿAbd al-Raḥmān al-Awzāʿī was born in Lebanon and died there in 773, his tomb being just south of Beirut. His school flourished in Syria and Spain for some time but was overwhelmed by the Shāfiʿī and the Mālikī schools in those two regions, respectively. What is known about it is derived from the writings of the other schools, particularly on the laws of war and peace, since we possess no independent works on its jurisprudence. Apparently it depended on traditions for its doctrines.

Abū Sulaymān Dā'ūd al-Ẓāhirī (d. 883), a student of

Shāfiʿī, founded his own school on the apparent and literal (*ẓāhir*) meanings of the Qur'ān and the *sunnah*, rejecting many of the other sources accepted by the other schools. The school flourished in Spain but died out by the fourteenth century. One of its most celebrated adherents was Ibn Ḥazm (d. 1064), author of *Al-iḥkām fī uṣūl al-aḥkām* on jurisprudence and *Al-muḥallā* on *fiqh*.

The historian and exegete Abū Jaʿfar Muḥammad ibn Jarīr al-Ṭabarī (d. 922) was also a jurist who developed his own school, which lasted until the twelfth century. Among his books on jurisprudence was *Ikhtilāf al-fuqahā'*, a comparative study of the various schools of law.

Two developments this century have the potential to affect the structure of law schools in the Islamic world. One was the call for a new *ijtihād* that would disregard, or at least not follow completely, the established schools. The motivating spirit for this call has been the progressive teachings of prominent Islamic leaders such as Shaykh Muḥammad ʿAbduh (d. 1905) in Egypt and Sir Sayyid Aḥmad Khān (d. 1898) and the Aligarh movement in India. Although the call was strong, the end results were very modest. [*See* Aligarh *and the biographies of* ʿ*Abduh and Aḥmad Khān.*] A proponent of this course of reform, the prominent Egyptian judge Muḥammad Saʿīd al-ʿAshmāwī, has recently been the target for attacks by conservative elements. In Syria this call for a new *ijtihād* has been vehemently attacked in several articles by prominent rectors of mosques and *muftīs* in a book edited by Aḥmad al-Bayānūnī of Abū Dharr Mosque in Aleppo. The prospects for this call in the present era of fundamentalist thinking are, therefore, not very promising, although the exercise of new *ijtihād* has resulted in the decree of monogamy in Tunisia.

The other development, which has proven to be more successful, is crossing the boundaries of the various schools in an effort to find juristic opinions that support reform in many aspects of the law of personal status as it is applied in most Islamic countries. This process is called *takhayyur*, or choosing a juristic opinion, and was applied successfully in several reforms of the law. For instance, the Ottoman Law of Family Rights of 1917 derived several of its provisions from the dominant doctrines of Sunnī schools other than the Ḥanafī, which was the official school. Later reforms in Egypt and the Sudan went even further by accepting any opinion of a jurist from one of the Sunnī schools, or even a Shīʿī opinion, without announcing its provenance. An example of the latter is the Egyptian Law of Testamentary Dispositions of 1946, which allowed a bequest to an heir within the "bequeathable third" without the consent of the other heirs, although the Sunnī position has always been that there can be no bequest to an heir. Reformers even resorted to *talfīq*, or combining parts of the doctrines of different schools or jurists, into a new doctrine. Because the four orthodox Sunnī schools are considered authentic and acceptable by all Sunnīs provided one is adhered to consistently by an individual, a sentiment has arisen among modern Muslims that it is perfectly acceptable to effect reform by drawing on the provisions of all four.

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