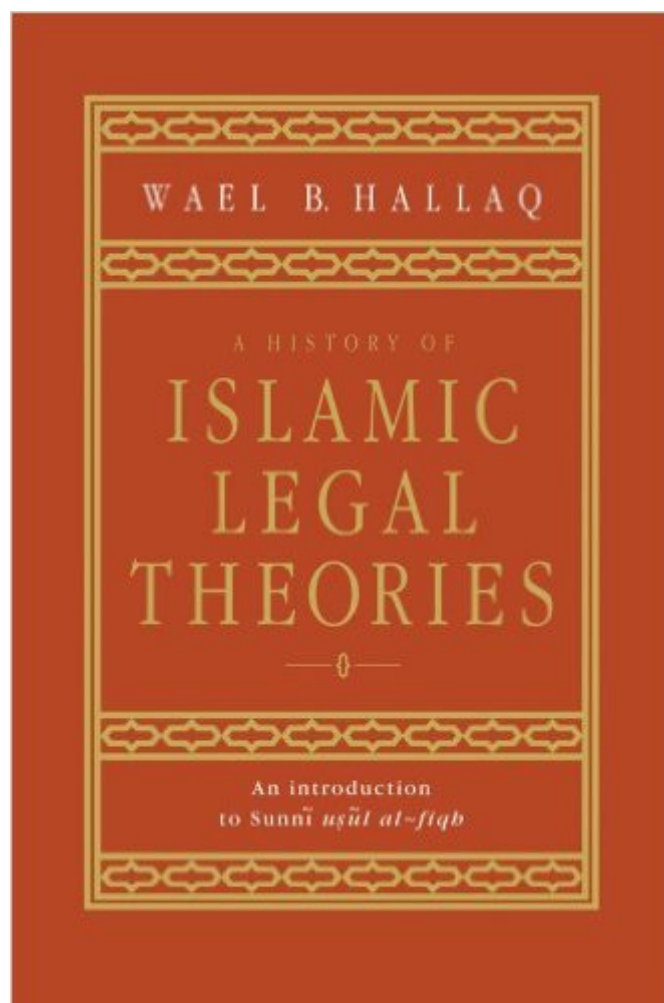


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A History Of Islamic Legal Theories: An Introduction To Sunni Usul Al-fiqh



Synopsis

Wael B. Hallaq is already established as one of the most eminent scholars in the field of Islamic law. In his latest book, he traces the history of Islamic legal theory from its beginnings until the modern period. The book is the first of its kind in organization, approach to the subject, and critical apparatus, and as such will be an essential tool for the understanding of Islamic legal theory in particular and Islamic law in general. Its accessibility of language and style guarantees it a readership among students and scholars, as well as anyone interested in Islam and its evolution.

Book Information

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This book is more than a History, it basically defines the Usul al-fiqh terms and their development and historically how the concept were being developed, changed and added on. For being about only Sunni Usul al-fikh the scope is limited to a certain sect. Author takes you through early years when he claims no methodology were existed than to Imam Shafii whom he does not put as a founding father in the field of fikh, continues with some quranic concepts like clear/ambiguous ayats, foundations of hadits, abrogation and than into tools of the law, consensus, ijma, qiyas, istihsan, istishab,ijtihad etc. The best part of the book is that author provides examples of each concept for illustration, explains opinions of known mujtehits on the subjects. The book closes with modernist efforts by F.Rahman and especially the author have high regards for Shahrur. The book shows although not in broad acceptance by everybody, the change in methodology from using Quran and Sunna of the Prophet(pbh) to Quran only and socio/politic conditions of the current times and elimination of Ijma or ancient ijtihads.

Hallaq's book is excellent in that it manages to capture the essence of each epoch which he covers. Particularly interesting in this book is Hallaq's treatment the birth of usual al-fiqh and its modern interpretations. Reading about the pre-modern zenith of Islamic jurisprudence, which Hallaq completely identifies with the work of al-Shatibiy, one becomes totally skeptical to the applicability of Islamic law beyond the realm of religious ritual. However, Hallaq captures well continuity and ingenuity represented in recent reforms achieved by two groups which he will label in the last chapter of his work as the utilitarians and the liberals. The weakness of Hallaq's work is that its contents are unbalanced. I wish more time was spent on the formation of fiqh and the justification of its existence. Nonetheless, his treatment of these topics is solid. This work can be a little tedious @ times, but usul al-fiqh is itself tedious. In the whole spectrum of the book, one realizes that this itself is part and parcel to the reform occurring today. Excellent work but by no means a decisive study to answer all questions-too short.

This is a slow and arduous book, even for someone who knows Arabic and has a basic knowledge of the shari'a and fiqh. A better place for the beginning scholar is Bernard Weiss' book, *The Spirit of Islamic Law*. The beginning chapters wherein the method of Islamic jurisprudence is outlined are helpful, the middle section which treats primarily the thought of medieval scholar Shatibi will only be of interest to specialists. Fortunately, the final chapters provide an engaging and interesting survey of different movements that are afoot, desiring to, in some cases radically, reformulate or reconfigure how the shari'a is discerned and applied to Islamic society today.

In addition to the existing comments: This book is extremely well written. Although it reads like a textbook, this merely reflects the high level of scholarship the author brings to his subject. The analysis is precise, thorough, and clearly explained. He touches a point once, addresses it completely, and then moves on. An essential read.

It is a great book which summarizes the Islamic jurisprudence, not in a whiggish style looking back to the medieval ages, but locating the theological essence of fikh, which is not only a meaningless study on Quran but a compilation of hundreds of years which has its orthodoxy established in 10th century.

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