CHAPTER 6

ALI MIYAN’S THOUGHT AND CONTRIBUTION TO

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Background

Maulana Abul Hasan Nadwi received the education of Islamic Jurisprudence from an eminent teacher Maulana Shibli of Nadwa. But later, he did not involve himself much with the subject, neither has he written any book regarding the subject. However, we can trace his views regarding ‘Fiqh’ from different books written by him, like Saviors of Islamic Sprit, Four pillars of Islam and some of his addresses in the conference of Islamic Fiqh Academy.

Ali Miyan’s approach was rational and moderate unlike the traditional Ulama who were rigid and radical regarding Islamic Jurisprudence. Though, he was a Hanafite and firmly practiced his Maslak (creed), yet he condemned the rigid outlook. Due to this, a vast majority of Muslim Ummah appreciated his viewpoint. Even non-Hanfites like, Arab scholars, politicians and even people of the masses, have admired him.

Ali Miyan also believed that, different schools of thought in Islamic Jurisprudence reflect the diversity of Islamic culture. No
one of them is more preferable to the other. The conflict among different schools of jurisprudence is Un-Islamic and an act of Ignorance.2

Fiqh and Tadween (its establishment)

Ali Miyan avows, establishment of Fiqh is very important Islamic event. It is an outstanding characteristic of Islam that, it provides such a diversified look to Islamic Jurisprudence. It is a heavenly occurrence because Allah is willing for establishment of Fiqh. So that, Islam will be able to solve, every problem related to human life. In the words of Ali Miyan, “Allah has created the world and all living beings. He has provided the need for physical requirements to all living beings other than man, in whose case he has provided need for the physical body as well as the spiritual. Since the requirements of the soul are beyond the capabilities of man, therefore He sends his messengers (pbut) for the guidance of humankind in every age. In the end, He sent his final messenger, Prophet Muhammad (pbuh) with a complete religion and final constitution of life, which has complete and satisfactory guidance for humankind, which will last the day of judgment. It provides all required guidance to man, for his body as well as the soul. This whole constitution is termed as Islamic Shariah. Deep study and understanding of the Islamic Shariah is
Ali Miyan believes, the commandments of Allah which were given in the form of the Qur'an and the Sunnah and later all the other issue which were extracted from them, by the method of Ijma and Qiyas, are all together termed as Shariah. To him ‘the purpose of Shariah is Salvation of man in both the worlds’. This is difference between the Modern law and Shariah that, Modern law only deals with worldly matters and have no concern with the issues of life after death. From the above illustration, it is clear that Shariah covers all walks of human life equally, whether it is personal or social. That is why there is no categorization in laws like Personal law and common law as in the Modern law system. In addition to this the laws of Shariah are too deep, follow able and flexible as well as compatible to the modern age. Therefore it has the ability to provide satisfactory solution to every issue related to human life whether it would be personal, social, physical or spiritual, political and judicial, in every age of human history. It is not merely an imagination but it is a matter of fact. It can be observed that in the Middle Ages, when Islam spread to vast areas and great kingdoms were established under its flag, new issues were faced due to diversified culture, these new issues dealt with Judiciary, Social
and Political issues such as Taxation, Zammis, Kharaj, and Inheritance etc. The great Jurists of the time solved these quests without any delay. It was not done on a small scale rather four regular schools of Jurisprudence were established. This vast and tremendous work of extracting solutions of legal issues according to Islamic Shariah by a large number of Fuqaha (Jurists, plural of Faqih) is collectively termed as Tadween.6

To quote Ali Miyan, “There is no need for Muslims to consult and depend on other resources regarding any single issue. These four schools of jurisprudence have made a viable contribution to the subject. There is no need of Ijtihad on the issues, which were already solved by these great jurists”.7 But even then, Maulana Ali Miyan did not overlook the significance and need of Ijtihad on new arising issues. Because Islam is fully compatible to the changing world and it is necessary to discuss and solve these new issues, therefore Ijtihad is the requirement of the day. However, it should be done according to its rules and limits, encoded by the expert jurists.8

Ijtihad

Islam is the last and final message of Allah to the humankind. It announced in the Qur’an:

الْيَوْمَ أَكْمَلْتَ لِكُمْ دِينَكُمْ وَأَكْمَلْتَ عَلَيْكُمْ بَيَاتٍ وَرَضِيتَ لِكُلِّ إِسْلَامٍ دِينًا
Today I perfected your religion. For you, completed my favor upon you and chosen for you, Islam as your religion. (Qur’an 05:03).

On the one hand, it is clear that Islam is complete and nothing else needs to be added to it and nothing needs to be changed in it. It is also a fact that life is changing continuously and the world introduced to new changings and revolutions every coming day, This doesn’t mean that Islam is unable to guide humankind in these changed circumstances, simply because Islamic law is flexible and has the full capacity to guide mankind in even changed conditions. Prophet Muhammad (pbuh) was the last Prophet and there will be no Prophet after him and no Divine law will reveal after Islam. Muhammad’s (pbuh) apostleship is till the Last day, therefore there is capability in Islam to work under every circumstance till the Last day, because Allah has created this religion for entire humankind, irrespective of caste, color and creed. In the words of Ali Miyan, “Islam is the complete constitution of life and is based on firm foundations, to work in every age of humankind, in the past, present and even in the future. It is so vast and complete in nature that there is no need to consult any other religion and law or to wait for another message. Though it delivered in the age of camels but it has full potential to guide man in the modern age also. Therefore, it is essential to find solutions of new arising issues with the time to
make Islamic Shariah compatible with the modern age. There is complete method of finding solutions to new arising issues. This method of finding the solutions of new upcoming issues according to Islamic Shariah is termed as Ijtihad”\(^8\).

He thinks that, in every age of Islamic history, the method of Ijtihad was used by great Jurists to find out the solution of new issues in the light of Qur’an and Sunnah. Till date, the importance of Ijtihad hasn’t decrease because in the modern world due to the rapid development of Science and Technology, and changing lifestyle new issues continuously arise. Therefore, it strongly needed, to discuss and solve them according to the Islamic Shariah. In addition, the Islamic Shariah should be written in modern style and updated regularly, so that it is not claimed that Islamic Shariah is outdated. As Allama Iqbal has stated “I believe that the man who will criticize the modern law logically and prove the completeness and evenness of Qur’anic law, the person will be the revivalist of the age and the greatest servant of Islam of modern time”\(^9\).

Maulana Abul Hasan Ali Nadwi was among those scholars who were strong supporters of continuing Ijtihad, but within its laws and limits. He did not favour the reestablishment of Fiqh, which was already established by the great jurists of Islam, because he believed that, these eminent jurists of the Middle
Ages were experts of the field and their work was matchless as well as profound. It is worthless to make efforts on the issues that previously solved by these eminent jurists. In addition, it is dangerous for the Muslim Ummah, because there is a doubt of rising of controversies and new sects with it. Moreover, it is very difficult for an individual or an institution to do the work, done by these eminent jurists with such a caliber and devotion. These eminent jurists were the deserving personalities for this great task.\(^{12}\)

Nevertheless, it does not mean that Maulana Ali Miyan was against *Ijtihad* neither did he believe in closing the doors of *Ijtihad* forever. He favored *Ijtihad* on the new emerging issues, which were not imaginable in the time of those great jurists.

Thus, *Ijtihad* should be done for solving the new arising issues, but not for previous issues already solved by the great jurists.

**Condemning radical approach regarding Taqleed**

Maulana Ali Miyan strongly condemned the misuse of *Ijtihad*. At the same time, he severely criticized the radical and extreme approach towards Taqleed.\(^{13}\) To quote him, “gradually the ignorance perpetuated among the people. They considered the four jurists as sources instead of mediators and researchers.
They considered these juristic schools as whole Islam. Due to this, sectarian feelings emerged against others. As a result, acts of violence occurred numerous times. In any situation, these people did not agree to let their juristic norms even, their mistakes be proved according to Qur’an and Sunnah. The common people were not much responsible for this because they were not aware of the facts, also they had a simple intention, to follow Qur’an and Sunnah through these mediums of juristic schools. In addition, it becomes difficult and dangerous for them to consult directly the original sources and extract the true solution because it may lead to misconceptions. However, the scholars (Ulama) were fully responsible for the violence due to their extreme and radical thought. Their attitude was such that, if any decision of their jurists contradicted with the Qur’an and Sunnah, they would give many strong evidences from original sources against their jurist’s decision. They did not agree to give up their ideas even after all evidences went against them".14

His personal practice

Maulana Ali Miyan did not write clearly about his personal practice regarding Fiqh. However, we can trace it from his works like “Tareekh-e-Dawat-o-Azeemat” and “Carvan-e-Zindagi” etc, as well as from his family members. Maulana Ali Miyan belonged to the Hanafi School regarding Fiqh, and he was firm in his faith and
practice but simultaneously he was moderate in his approach. Many times he performed Jama-baina-Salatain (performing two salats in the same time during journey), which is not in practice among the Hanafites. He also learnt from different Scholars of Islamic world who did not belong to his School of Jurisprudence. He always hated and discouraged rigid approach regarding Fiqh.

Once he visited a Hanafite madrasah and stayed there for three days as a guest. He was informed that, 'Due to performing Rafa-Yadin and saying Ameen loudly, during Salat by a student, the authorities of the Madrasah terminated the student'. Ali Miyan intentionally performed Rafa-yadin and said Ameen loudly all the time during his stay at the Madrasah though he was a Hanafite himself.

Due to the reason of his moderate and liberal approach, he was popular and admired by all Juristic schools equally, not only in India but also in the entire Islamic world. The intellectuals from all schools of Jurisprudence have appreciated his reformist ideas openheartedly.

**Critical remarks**

Originally, Ali Miyan was a scholar of Islamic history and Arabic literature; therefore, he has no extensive works on
Islamic Jurisprudence. Very small quantity of literature available on Islamic jurisprudence by Ali Miyan, unlike Islamic history and Arabic literature. However, Ali Miyan’s attitude towards Fiqh is balanced and flexible. He severely condemned extremist attitudes to Fiqh. Simultaneously he appreciated the great services of the great Jurists and valued all of them equally. To Ali Miyan, all four schools of Fiqh are reliable to follow. They guided the Muslim Ummah successfully, their importance and need was not ignorable.18 Due to their efforts and determination the Islamic Jurisprudence attained such an outstanding position that no other faith has such a developed and complete Juristic system as Islam has. But this doesn’t mean that the doors of Ijtihad should be closed and there be no need of further Ijtihad, because the issues and lifestyle is changing all the time and it is impossible to stop this changing trend or to pause the clock.19

Particularly after the technical advancement, in the modern age, human beings, on a daily basis, face new issues and circumstances. Therefore, it is the call of time to search for satisfactory solution. However, it should be done by the experts of the field, within limits and conditions, which were directed by eminent jurists.

Shah Waliullah has rightly observed, “Ijtihad is Farz-bil-Kifayah in every age. But here, by the word Ijtihad we don’t
mean the “Ijtihad-e-Mustaqiil” as was done by Imam Shafii and Imam Abu Hanifa etc, but the “Ijtihad-e-Muntasib” which means to know the commandments of Shariah in depth and details.  

Ali Miyan advised, it is safer to do collective Ijtihad instead of at the Individual level. For this purpose, there should be a Committee of expert jurists, in which there should be long thinking sessions, discussions, debates, as well as complete analyzing of original sources for the quest of the solution of an issue.
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Notes and References:


5. Four regular schools of Jurisprudence are:- Hanafi School, Maliki School, Shafii School and Hambali School.

6. Ibid., pp. 21-22.

7. Ibid., p. 23.

9. Ibid., pp. 24-25.


11. Ibid., p. 69.


16. Ibid., pp. 245-46.


