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A WESTERN PERSPECTIVE ON THE FORMATION OF *MADHHAB* IN ISLAMIC LAW

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ABSTRACT

Western scholars have produced many critical studies concerning the formation of madhhab in Islamic law. They have shown interest in investigating who, when and how this uniquely Islamic institution evolved in early Muslim history. However, some of their findings appear to be contradicted with the view of the majority of Muslim scholars. For instance, instead of the eponyms they attribute Ibn Surayj (d.306/918), al-Karkhī (d.340/952) and al-Khallāl (d.311/923) as the founders of the Shāfi'īs, Ḥanafīs and Ḥanbālis schools, accordingly. They also argue that the formation of the madhhabs was accomplished between the late 200's/800's and early to mid 300's/900's. The present article discusses these contentious issues by analysing both scholars' arguments. It is suggested that the dispute between the scholars arises as a result of their different approaches in defining the term madhhab. While the Western scholars define madhhab as a set of collective legal rulings the Muslim scholars denote it as distinctive legal methodology.

Keywords: *madhhab, Ḥanafīs, Mālikīs, Shāfi'īs, Ḥanbālīs*

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INTRODUCTION

Studies regarding the institution of the *madhhab* have become one of the major topics in Islamic law, particularly amongst the Western academics. The Western scholars have conducted many critical studies on this subject in order to produce a new history of Islamic law. They have been particularly interested in investigating the background of *madhhab* formation and examining its development. Using mainly the bibliographical method, the studies attempt to provide an answer to questions regarding who, when and how this uniquely Islamic institution evolved throughout the history of Islamic law.

In contrast to the Muslim academia, scientific studies on this subject are given less consideration. Modern Muslim scholars seem to rely on a host of traditional views in which historical facts are mainly derived from the *al-Muqaddimah* of Ibn Khaldūn (d.732/1332). Studies concerning the history of Islamic law, particularly the background of the formation of *madhhab* does not attract the attention of modern Muslim scholars because their emphasis is on the study of the contemporary practice of Islamic law[1]. They are more interested in discussing the challenges faced by the current Muslim society in implementing various classical rules in modern financial, marital and criminal affairs. In addition to this, the trend of the majority of Muslim scholars is to distance themselves from *madhhab* as they are influenced by the movement of *tajdīd.*

The present article discusses the recent studies, mostly conducted by Western scholars pertaining to the formation of *madhhab* in Islamic law history. The discussion focuses on the background of four major *sunni madhhabs,* namely, the Ḥanafīs, Mālikīs, Shāfi'īs and Ḥanbālīs. The article is divided into two major sections. The first section describes the development of Islamic law during the second century Hijri. It highlights the establishment of *aṣḥāb al-ra'y* (rationalists) and *aṣḥāb al-ḥadīth* (traditionalists) as well as the emergence of al-Shāfi'ī, which attempted to produce a compromise doctrine between the two schools. The second section discusses several theories explaining how and when the *madhhabs* began. It points out the different views between the Muslim and Western scholars and analyses their respective arguments.

The term *madhhab* is conventionally translated as 'school of law'. Literally, it means "the way one goes". The term is also used to signify the doctrine, tenet or opinion upheld by a person. In the field of Islamic law, the term *madhhab*

[1] Ahmad Atif Ahmad (2006), *Structural Interrelations of Theory and Practice in Islamic Law: A Study of Six Works of Medieval Islamic Jurisprudence*, Leiden: Brill, p. 23.

was used by the classical jurists to indicate both the individual opinion and the opinions of a whole school concerning a particular case[2]. In Islamic legal history, the number of *madhhab* was actually quite large. In addition to the four well-known *Sunni madhhab*, there are other *madhhab* that contributed significantly to the development of Islamic law such as the *madhhabs* of al-Awzā'ī (d.157/773-774), Sufyān al-Thawrī (d.161/777-778), al-Ibāḍiyyah, al-Ẓāhiriyyah, Ibn Jarīr al-Ṭabarī (d.310/923) and various *Shī'īṭe madhhabs.* However, not all of them have survived into the modern period. The most significant *madhhabs* that remain in practice in most part of the Muslim world are the Ḥanafīs, Mālikīs, Shāfi'īs and Ḥanbālis of the *Sunnis* and al-Zaydiyyah and Ja'fariyyah of the *Shī'īṭe*. Although, the *madhhab* of al-Ibāḍiyyah remain in practice in Oman, the *madhhab* of al-Awzā'ī, Sufyān al-Thawrī, the Ẓāhirīs and Ibn Jarīr al-Ṭabarī have ceased to exist.

THE DEVELOPMENT OF ISLAMIC LAW DURING THE SECOND CENTURY HIJRI

The institution of the *madhhab* emerged as a result of a hundred years of effort made by the early Muslim jurists in interpreting *sharī'ah*[3]. This interpretive effort was carried out to deduce legal rulings for the new legal problems that increasingly arose in the early second century Hijri. During this period, the Muslim empire experienced a vast expansion in which Islam spread from the Arabian peninsular. During the Umayyad era (43/661-132/750) the centre of government was moved to Damascus, then to Baghdad when the Umayyads were overthrown by the Abbasids (132/750-656/1258). As a result of the empire's expansion, the Muslim community who lived a simple desert life faced challenges in governing the more civilised nations which had previously been under the administration of the Byzantine and Sassanid kingdoms.

In response to this unprecedented situation, the early Muslim jurists were divided into two main schools. The first school was known as the *aṣḥāb al-ra'y* or rationalists. They were the jurists who exercised human reasoning in solving legal problems, especially when there were not so many sound *ḥadīth* to be consulted. They were reportedly inspired by 'Abd Allāh Ibn Mas'ūd (d. 32/652-3), a companion, who was sent by the Prophet to teach Islam to the

[2] Christopher Melchert (1997), *The Formation of the Sunni Schools of Law, 9th-10th Centuries*, Leiden: Brill, p. xvi.

[3] Peri Bearman, Rudoph Peters & Frank E. Vogel (2005), *The Islamic School of Law, Evolution, Devolution and Progress*, Massachusetts: Harvard University Press, p. viii.

population of Iraq. ʻAbd Allāh Ibn Masʻūd was known to adopt legal reasoning when making judgements in cases there were no clear evidences in the Qur'ān or Sunnah. His method was widely accepted by jurists in Iraq whose residents came from different belief systems and cultural backgrounds. Debate and discussion on theology were common in Iraq, as Muslims comprised many new converts from among the Persians, Greeks and Indians. Influenced by this theological discussion (*ʻilm al-kalām*), the jurists (*fuqahā'*) tended to use human reasoning to justify their legal rulings. In addition, the jurists in Iraq went further by involving in their discussion hypothetical legal problems. They not only applied their jurisprudential knowledge to solve the actual problems but also tried to give judgements on problems that had not yet occurred, nor were likely to occur. Based on this phenomenon Schacht asserts that perhaps Iraq was the intellectual centre for the development of Islamic jurisprudence (*fiqh*) as a new discipline of knowledge – not Medina as is commonly assumed[4]. Ḥammād bin Sulaimān (d.120/738) and his student Abū Ḥanīfah (d.150/767) were among the prominent rationalists of Iraq.

The second school of early jurists is known as *aṣḥāb al-ḥadīth* or traditionalists. This group of jurists relied heavily on the *ḥadīth* of the Prophet and reports from Companions as well as Successors (*athār*) in justifying their legal rulings. Schacht suggests that the traditionalists emerged as a result of their dissatisfaction with the rationalists concerning their over-reliance on human reasoning in religious matters[5]. His theory implies that the traditionalists came after the rationalists with the traditionalists disagreeing with some methods applied by the rationalists such as the practice of legal devices (*ḥīlah*) and analogy (*qiyās*). According to the traditionalists, both methods defeated the spirit of the law and evaded the strict requirement indicated by the *ḥadīth*[6].

Schacht's theory contradicts most Muslim scholarly views. Although Muslim scholars acknowledge that the rivalry between the two schools was intense, they believe that it was not the main factor that led to the establishment of the traditionalists' school. They are of the opinion that the two schools emerged due to disagreements in exercising personal opinion (*ra'y*) to deduce legal rulings for unprecedented cases[7]. Since, the time of the Companions, Muslims have disagreed over the extent to which personal opinion should be

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4 Joseph Schact (1964), *An Introduction to Islamic Law*, Oxford: Clarendon Press, p. 29.

5 *Ibid,* p. 34.

6 Christopher Melchert (1997), *op. cit.,* pp. 7-8.

7 Muḥammad Abū Zahra (2001), *The Four Imam*, Aisha Bewley (trans), London: Dār al-Taqwā, p. 184.

used in religious matters. There were Companions such as ‘Abd Allāh ibn Mas‘ūd who voiced his personal opinion extensively. However, there were also Companions such as ‘Abd Allāh ibn ‘Abbās (d.68/687) who preferred not to voice his opinion but to rely exclusively on the *ḥadīth*. Influenced by these two methods, subsequent generations of jurists were divided into two schools. Therefore, the Muslim scholars view that rationalists and traditionalists emerged simultaneously.

The traditionalists preferred not to make judgement where there was no relevant *ḥadīth* or *athār* from later authorities. They preferred to use *ḥadīth* with *isnāds* (chains of transmission) rather than analogical reasoning. The traditionalists, according to some, were originally specialists in *ḥadīth*. They did not study *fiqh* separately from hearing and transmitting *ḥadīth*[8]. In contrast to the rationalists who devoted their time to study *fiqh*, the traditionalists' main concern was to collect and preserve the *ḥadīth*. As the *ḥadīth* is their main source, the traditionalists were known as the pioneers in developing the science of the *ḥadīth* (*‘ulūm al-ḥadīth*). Since the early second Hijri, the traditionalists were present in various parts of the Muslim empire, particularly in Medina. Ibn Shihāb al-Zuhrī (d.124/742), Rabī‘ah b. ‘Abd al-Raḥmān (d.136/753-4) and Yaḥyā b. Sa‘īd al-Anṣārī (d.143/760-1), were the key figures of traditionalists in Medina.

Beginning from the second half of the second century, al-Shāfi‘ī (d.204/820) emerged with his doctrine that was intended to mediate between the traditionalist and rationalist schools. Al-Shāfi‘ī was a student of both schools, being first a disciple of Mālik (d. 179/795-6), and then becoming a disciple of Muḥammad al-Shaybānī (d.189/205), one of the two great followers of Abū Ḥanīfah. For the majority of Muslim scholars, al-Shāfi‘ī was reputed to be the founder of Islamic legal theory (*uṣūl-fiqh*). His remarkable book, *al-Risālah* established a systematic legal procedure for deducing new legal rulings by synthesising the methods of the traditionalists and the rationalists. Al-Shāfi‘ī propounded different solutions to those of the traditionalists concerning the problem of conflicting *ḥadīth*. The traditionalists, when faced with conflicting *ḥadīth* would narrate all of them without giving any preference for practice. According to al-Shāfi‘ī the conflicting *ḥadīth* should be treated as follows: (1) it should be assumed that one of the conflicting *ḥadīth* might represent an exception to a general rule, (2) a particular *ḥadīth* with a stronger chain of authority (*isnād*) should be preferred over another with a weak chain, (3)

[8] Christopher Melchert (1997), *op. cit.,* pp. 7-8.

if these do not solve the problem, the theory of abrogation (*naskh*) should be employed, where the later *ḥadīth* abrogates the ealier one[9].

Al-Shāfi'ī also recognised analogical reasoning (*qiyās*) as do the rationalists. *Qiyās* is applied when a jurist extends a given ruling established by the Qur'ān and Sunnah to a new case, on the grounds that the legal basis (*'illah*) of the two cases is similar. However, al-Shāfi'ī did not assert the freedom of opinion fully. He criticised the method of *istiḥsān* (juristic preference), which was widely used by Abū Ḥanifah and other rationalists. He was reported to say, '*anyone who uses istiḥsān has legislated for himself*' and he devoted a chapter in his book *al-Risālah* to invalidate *istiḥsān*[10]. For al-Shāfi'ī, the use of *istiḥsān* to abandon the legal ruling deduced from analogy was considered as exploitation of personal opinion over its limit.

To conclude, by the end of second century Hijri, the term *madhhab* as we are familiar with today did not yet exist. Based on methodological differences, Muslim jurists during this period were divided into two groups, namely, the rationalists and traditionalists. Subsequently, al-Shāfi'ī attempted to effect a compromise between the strict rejection of all human reasoning propounded by the traditionalists and the unrestricted use of personal opinion adapted by the rationalists.

HOW THE *MADHHAB* BEGAN

Scholars have differed in their explanation of how the four Sunni *madhhabs* (Ḥanafis, Mālikis, Shāfi'īs and Ḥanbālīs) emerged in the history of Islamic law. I begin with the theory of Ibn Khaldūn (d.732/1332), which is subscribed to by the majority of modern Muslim scholars. According to Ibn Khaldūn, the *madhhab* emerged as a result of the division of the early jurists into rationalists (*aṣḥāb al-ra'y*) and traditionalists (*aṣḥāb al-ḥadīth*). These two schools not only differed in terms of their methodology in interpreting the law, but can also be distinguished by their geographical location. Kufah and Basrah in Iraq were the centre of the rationalists while Medina and Mecca in Hijaz were the hubs of traditionalists. This is based on the notion that a few well-known scholars who are considered to be the leaders of the rationalists (such as Abū Ḥanīfah) were based in Kufah, while Mālik the leader of the traditionalists, as

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9 N.J Coulson (1964), *A History of Islamic Law*, Edinburgh: Edinburgh University Press, p. 58.

10 Muḥammad Idris al-Shāfi'ī (n.d), *al-Risālah*, Beirut: Maktabah al-'Ilmiyyah, p. 503.

evidenced in his *al-Muwaṭṭā'*, was based in Medina. Abū Ḥanīfah appeared as the representative of the Iraqi's school while Mālik was a representative of the Ḥijazi school. Subsequently, al-Shāfi'ī blended the two doctrines and established his own school. Al-Shāfi'ī succeeded Mālik and became the leading jurist in Medina. His school however expanded to Egypt when he migrated and spread his doctrine there. Later, the school of Aḥmad ibn Ḥanbal (d.241/855) emerged. According to Ibn Khaldūn, the adherents of the Ḥanbālī school were few in number, and the majority of them were based in Baghdad and Syria. The Ḥanbālīs were described as jurists who possessed the best knowledge of the Sunnah and were greatly depended upon as a source of law[11].

Ibn Khaldūn's description of how the *madhhab* began has received considerable attention from Western scholars. Western scholars generally recognise the division of early jurists into rationalists and traditionalists. They also locate many rationalists in Kufah and Basrah. Among them were Abū Ḥanīfah and his notable students Abū Yūsuf (d.182/798) and Muḥammad al-Shaybānī (d.189/805). Influenced by Ibn Khaldūn, Schacht proposes the regional theory. According to Schacht, the *madhhabs* began from regional schools (Iraqi and Ḥijazi) before they evolved into personal schools. This means that the Iraqi school turned into the Ḥanafīs and the Ḥijazi school shifted to the Mālikīs. However, the general theory has become a topic of debate amongst the Western scholars. Some of them, such as Melchert, agree with this perspective, whilst others such as Hallaq put forward a different hypothesis. The critics of the regional theory raised the question over the basis for distinguishing the Iraqis or Ḥijazi jurists. Was it based on the collective legal doctrine?[12] As we know, there was no such collective legal doctrine upheld by jurists in each region. During that time, there were hundreds of groups centred on renowned jurists and each group had distinct legal doctrines.

Based on the above argument, Hallaq proposed that the *madhhab* began from personal schools before developing into doctrinal schools[13]. The personal schools included the 'circles' of a number of prominent jurists such as Abū Ḥanīfah, Ibn Abī Laylā, Mālik, al- Shāfi'ī, al-Awzā'ī, Sufyān al-Thawrī and Aḥmad Ibn Ḥanbal. These prominent jurists' circles attracted many followers who learned *fīqh* from their masters and applied their doctrine in courts or

[11] Ibn Khaldun (1986), *The Muqaddimah, an Introduction to History*, Franz Rosenthal (trans), London: Routledge & Kegan Paul, vol. 3, pp. 3-9.

[12] Hiroyuki Yanagihashi (2004), *A History of the Early Islamic Law of Property, Reconstructing the Legal Development, 7th-9th Centuries*, Leiden: Brill, p. 7.

[13] Wael B. Hallaq (2005), *The Origins and Evolution of Islamic Law*, Cambridge: Cambridge University Press, p. 155.

taught it to other students in new circles. However, out of many circles only four of them developed into the doctrinal schools. According to Hallaq, the doctrinal schools possessed four characteristics that were lacking in the personal schools – (1) a cumulative legal doctrine that consists of legal opinions of the so called founder and his great followers, (2) a distinctive legal methodology, (3) substantive boundaries, and (4) loyalty[14].

In my view, the regional theory probably needs further clarification. Although this theory might explain the emergence of the Ḥanafīs, Mālikis and Shāfi'īs it is insufficient when describing the beginning of the Ḥanbālīs. As described above, the Ḥanafīs and Mālikis originated from the Iraqis and Ḥijazi schools whereas the Shāfi'īs provided a compromise between the two. However, what was the position of the Ḥanbālīs? Concerning the basis of the regional theory, Ibn Khaldūn was of the opinion that the Iraqi and Ḥijazi jurists were distinguished by their methodology for interpreting the law. The Iraqi jurists were rationalists who used personal opinion extensively whereas the Ḥijazi jurists were traditionalists who adhered strictly to the *ḥadīth*. Nevertheless, the depiction of Mālik as the leader of the traditionalists is denied by most Western scholars including Schacht[15]. According to them, Mālik was not recognised as a pure traditionalist since many of his rulings were based on his own legal reasoning. Melchert supports this notion by providing evidence that the later generations of Medinan jurists after Mālik issued rulings that were based on opinion rather than *ḥadīth*[16]. Instead of Mālik, Melchert asserts that the true leader of the traditionalists was Aḥmad Ibn Ḥanbal. He further suggests that the traditionalist's school developed in Iraq not Medina as usually assumed[17]. Hence, Melchert's theory refutes the claim that the Iraqi jurists could be generalised as rationalists.

The majority of Muslim scholars consider the institution of *madhhab* as emerging during, or soon after the eponyms' lifetime. They attribute the eponyms as being the founders of the *madhhabs*. For example, 'Alī Jum'ah divides the development of the Shāfi'īs school into four phases: (1) early establishment, (2) the old doctrine, (3) the new doctrine, and (4) dissemination of Shāfi'īs doctrine. According to him, the first three phases occurred during the lifetime of Shāfi'ī while phase four took place after al-Shāfi'ī's death[18].

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[14] Wael B. Hallaq (2005), *op. cit.*, pp.156-157.

[15] Joseph Schact (1950), *The Origins of Muhammadan Jurisprudence*, Oxford: Clarendon Press.

[16] Christopher Melchert (1997), *op. cit.* pp. 160-165.

[17] *Ibid.,* pp. 1-13.

[18] 'Alī Jum'ah Muḥammad (2007), *al-Madkhal ilā Dirāsat al-Madhāhib al-Fiqhiyyah*, Cairo: Dār al-Salām, p. 23.

Meanwhile the Mālikī school was taught and established during Mālik's life due to his *al-Muwaṭṭa'*. Abū Ḥanīfah was reputedly the founder of the Ḥanafīs school because of his outstanding position amongst the rationalists during his time. He stood as the most authoritative jurist in Iraq who promulgated the use of personal opinion (*ra'y*). Contrary to the three eponyms, Aḥmad Ibn Ḥanbal was better known to some Muslim scholars as a specialist in *ḥadīth* rather than *fīqh*. For example, Ibn Jarīr al-Ṭabarī denied that he was a jurist (*faqīh*) and ignored his opinion in writings on jurisprudence disagreement (*fīqh al-ikhtilāf*)[19]. Nevertheless, Aḥmad Ibn Ḥanbal is still reputed to be the founder of the Ḥanbalīs school. The Inquisition (*miḥna*) was viewed as the impetus for the rise of the school. This is because the reputation of Aḥmad Ibn Ḥanbal's, as the religious leader (*imām*), grew tremendously after the incident.

However, most Western scholars disagree with the claim that the eponyms were the founders of the *madhhab*. They also oppose the view that the *madhhab* emerged after the eponyms' lifetime. Melchert, the most cited author on this subject, suggests that the *madhhabs* of the Shāfi'īs, Ḥanafis, and Ḥanbālīs emerged between the late 200's/800's and early to mid 300's/900's. Contrary to a view prevalent among Muslim scholars, Melchert names Ibn Surayj (d.306/918), al-Karkhī (d.340/952) and al-Khallāl (d.311/923) as the founders of the Shāfi'ī, Ḥanafī and Ḥanbālī schools, respectively. The three jurists were considered as the founders of the *madhhabs* for two main reasons: (1) being chiefs of schools in their time, and (2) founding a systematic teaching method for their respective schools. Ibn Surayj was reported as the first who initiated a normal course of advanced study, which required his students to produce a *ta*'*liqah*, a sort of doctoral dissertation describing the Shāfi'īs doctrine. As a result of this teaching method, graduates from Ibn Surayj's circle were identified as having inherited the title of being Shāfi'īs.

Al-Karkhī founded the school of Ḥanafīs in the same style of Ibn Surayj. His circle attracted many more known students than any Ḥanafīs teacher during his time. Most importantly, al-Karkhī's *Mukhataṣar* was the first *Mukhtaṣar* on which the later generation of Ḥanafīs jurists wrote commentaries. Al-Khallāl was known as the first of the Ḥanbalīs jurists to compile the most comprehensive legal doctrine of Aḥmad Ibn Ḥanbal. He pioneered a study circle teaching Aḥmad Ibn Ḥanbal's legal doctrine as jurisprudence, a form of study with which the traditionalists were unaccustomed. As for the Mālikīs, no particular jurist was identified as the founder of the school. This is because after Mālik's death, the school of Mālikīs experienced expansion in three

[19] 'Umar Sulaymān al-Ashqar (2007), *al-Madkhal ilā Dirāsat al-Madhhab wa al-Madāris al-Fiqhiyyah*, Amman: Dār al-Nafā'īs, p. 181.

different regions (Andalusia, North Africa and Iraq). Each region had its own leading jurists[20].

From my point of view, the rationale of Muslim scholars in considering Abū Ḥanīfah, Mālik, al-Shāfi'ī and Aḥmad Ibn Ḥanbal as the founders of the *madhhabs* is based on the their contribution in founding the *madhhabs*' principles. For example, Abū Ḥanīfah was known to exercise the principles of analogy (*qiyās*), juristic preference (*istiḥsān*) and legal device (*ḥiyāl*). Mālik was reported as employing the principles of Medinan jurists practice and public interest (*maṣāliḥ al-mursalah*). However, al-Shāfi'ī criticised the *istiḥsān* of Abū Ḥanīfah and the practice of Medinan jurists and the *maṣāliḥ al-mursalah* of Mālik. Applying the principles laid down by the eponyms, the subsequent generation of jurists expanded the *madhhabs'* legal doctrine. Thus, based on this contribution, the eponyms were regarded as the founders of the *madhhabs*.

However, in light of the definition of *madhhab* as a collective legal doctrine, perhaps the arguments claiming that the *madhhab* emerged after the eponyms' lifetime are more persuasive. This is because, having the principles of the *madhhab* does not necessarily imply the existence of a body of juridical opinions. With great respect to the eponymous founder, I argue that the *madhhabs* maintained the personal level during their lifetime. It was their followers who developed the legal rulings and raised the *madhhabs* to the doctrinal level. This phenomenon occurred probably in the late fourth/tenth century when the legal manuals (*mukhtaṣar*) and commentaries of the *madhhabs* were written.

CONCLUSION

Muslim and Western scholars are in agreement that the jurists during the second century Hijri were divided into two main schools. These were known as the traditionalists (*aṣḥāb al-ḥadīth*) and rationalists (*aṣḥāb al-ra'y*). The traditionalists relied heavily on *ḥadīth* as the source of law while the rationalists depended primarily on personal opinion. While Muslim and Western scholars agree on the significance of Abū Ḥanīfah as a representative of the rationalists, they disagree over the leadership of Mālik as a pure traditionalist. For most Western scholars, *al-Muwaṭṭa'* of Mālik was insufficient to justify him as the true representative of the traditionalists. Furthermore, they argued that the

[20] Christopher Melchert (1997), *op. cit.*, pp. 156-170.

school of traditionalist developed in Iraq and not in Medina as conventionally assumed.

The Western scholars also hold different views regarding the issues concerning who and when the *madhhabs* were formed. The prevalent theory upheld by the majority of Muslim scholars indicates that the founders of the *madhhabs* were the eponyms (Abū Ḥanīfah, Mālik, al-Shāfi'ī and Aḥmad Ibn Ḥanbal) and the *madhhabs* were formed during their lifetime. However, according to the Western scholars, *maddhabs* were created by the followers of the eponyms in later centuries. The Muslim scholars make the above judgment based on the eponyms' contribution in establishing the *madhhabs*' principles (the underlying legal methods to solve new legal problems). In contrast, Western scholars form the conclusion based on the definition of *madhhab* as a collective juridical opinion. The Western scholars affirm that a collective juridical opinion did not exist during the eponyms' lifetime but developed in the subsequent centuries after their death. Perhaps, future research can evaluate this theory by examining the development of a specific issue of legal doctrine in Islamic law.

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