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**ABSTRACT**

**Theories of Islamic Law: The Methodology of Ijtihad**

This book has three parts and sixteen chapters. The first part deals with the concept of Islamic law, the second with the theories of the derivation and development of Islamic law, and the third with the methodology by which the legal system might incorporate and employ, in the present age, the theories of interpretation that are the subject of *usul al-fiqh*.

Imran Ahsan Khan Nyazee presents the similarities and differences between Islamic law and the Western legal system. He concludes that general jurisprudence is the same as that of *usul al-fiqh* and the issues faced by Western legal philosophers today were addressed by Muslim jurists more than a thousand years ago. He regards the Hanafite methodology of interpretation as similar to the method used in courts of law today.

Nyazee endeavours to remove some misconceptions regarding Islamic law. For example, he denies that there is a common theory of Islamic law but asserts that there are several theories of interpretation. He also argues against the ideas that sharia is rigid and that there is a “separation between theory and practice” in Islamic law. He discusses the critical issue of *hiyal* and refutes the criticisms raised by Western jurists such as Joseph Schacht and Ignaz Goldziher.

Nyazee discusses the debate amongst schools of Islamic law, intending to show that all jurists engage with and contribute to one another. For example, he discusses the theory of purposes of law presented by al-Ghazali, a follower of al-Shaf‘i, which assimilated the essence of the earlier theories of the Hanafis and Malikites.

Nyazee attempts to establish a link between the purposes of Islamic law and the modern world, and calls for their refinement. He analyses the “rule of recognition” for laws in the West and compares this rule with the concept of *ijtihad* in Islam. Finally, he presents the theory of Islamic law which has emerged from his study.

The book is unique in its attempts to link the ideas of *usul al-fiqh* to those in law. Nyazee successfully yields a system that translates the ideals of Islam into an efficient modern law.

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