

Thematic Expressions and Appropriation in *al-Hidayah*: A Critical Study of the Content

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Abstract

The Muslim jurists have authored reputed works for elucidation and exploration of the socio-legal discourse. The process of the codification of law has a tremendous history for making text and its content identical with social evolution that helped in formulating the legal theory. An analysis of the duo, i.e. text and its content, from the classical up to the modern times has developed a feature of progression which foretells its futuristic legal tendency. The foremost classical treatise on jurisprudence *al-Hidayah* by Imam al-Marghinani (530-593 A.H/1135-1197 A.D) is the renowned work of same stature. It is not being studied and researched for the juristic pursuits or legal implications only, but extensively due to its thematic appropriation and textual content that marks its undisputed position in the realm of the juristic literature. The thematic content in *al-Hidayah* is comprehensive, inclusive and highly prolific. While dealing and making a meticulous survey of the Islamic juristic literature, the thematic content is wide ranging taking almost all the possible socio-legal and futuristic assumptions into consideration. The time (*Dhman*), location (*Makan*), possibility (*Imkan*) and more importantly, the change (*Taghaw*) are some of the significant indicators that make a legal or juristic compilation relevant and reliable. Consequently, in the schools of Islamic jurisprudence the works of the jurists both on *Usul* and *Furu* have been compiled to analyze and resolve multifaceted socio-legal issues. Thematic background and its appropriation occupy a pivotal role in understanding and interpreting a legal text. The Muslim jurists have done a marvelous contribution by compiling treatises wherein thematic appropriation and content is highly proficient covering the above mentioned criterion. Obviously, structure and plan of a legal text depends upon the coherent and cohesive character that ultimately matters to finalize its objectives and relevance. The present paper is an attempt to explore the thematic expressions of *al-Hidayah* in context of the Islamic legal theory, approach of Imam al-Marghinani in appropriation of the content, and style of elaborating the debates on socio-legal proposition.

Key words: *Islamic Jurisprudence, Preference, Thematic, Structure, Consensus, Analogy*