

Islamic law



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In order for our society to work efficiently and ensure that there's structure we need a set of rules to make certain that there's peace and harmony and that everything works accordingly. As if there were no rules or regulations our society would just disintegrate and everything would be in chaos. This is because our mind frames are so vulnerable to turmoil that we humans seek any opportunity to cause mischief, but with rules most of us remain in our boundaries and try to do our best. Religion is not much different from this as for a religion to survive and flourish the followers need a set of rules that guide them in matters. Therefore, to convey these ideas to the followers most religions have scriptures that guide humans and teach them how to live their life efficiently. Amongst these religions is Islam. Islam is one of the monotheistic religions which has a large number of followers around the world. This religion was revealed to the Arabs by the messenger Prophet Muhammad which Muslims believe to be the last Prophet. Prophet Muhammad set the foundations for Islam and was highly regarded by all. After the death of the Prophet, there was a lot of dispute amongst the Muslims regarding the matter of succeeding the Prophet and leading the Ummah. Eventually Abu Bakr became the first caliph but there were some people who opposed this as they believed Ali to be the rightful successor and thus the community was divided into two groups. Thus the Sunnis and Shi'is surfaced as two adversaries of Islam. The Sunni community is the largest one and is followed by approximately 80% of the Muslims. This "heterogeneous" existence of the Muslim world lays the foundation for the different Law Schools. Initially, instead of a real Islamic law school a type of legal thought known as madhhab had surfaced to deal with legal matters in which the rulers passed out judgments to resolve legal issues². Eventually, this gave

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rise to the four schools of fiqh (jurisprudence) which are very important in order to properly understand Islamic history and the present. These schools are closely interwoven like a quilt and are employed by Muslims to deal with matters such as politics, theology and daily aspects of life. These four schools set the foundations for Islamic jurisprudence and led to developments of various laws that were considered to be aligned with the Islamic teachings. Amongst the many laws developed by these schools were laws for women which were in accordance with Islamic teachings. These laws had a major impact on the lives of women especially in Egypt whose lives were sometimes overshadowed by these laws some that were not even in accordance to the religion. Therefore, in order to understand these laws one needs to look at the four schools of jurisprudence and their development and how they influenced the lives of women in Egypt up till now. These four schools are known as Hanafi, Maliki, Shafi'i and Hanbali and a closer look at them is essential to fully comprehend the Sunni faith. Finally, Ijma or "the consensus of the community" is very important to further understand the Shari'a system. One of the earliest and the oldest school of Islamic jurisprudence (madahib) is known as the "Hanafi School of law". The school was founded by the Nu'man Abu Hanifa who was a jurist of his time in Iran. Abu Hanifa is recognized as a tabi'i (successor of the Sahabah) as he lived in the time when some of the Sahabas were still present³. The school bases its teachings on the ancient school of Kufa and has also incorporated some thoughts of the school of Basra. The Hanafi school of thought was present in the time of the Abbasids and was highly favored by the caliphs. However, their popularity decreased with the downfall of the Abbasids but nonetheless they gained support through the Ottomans. They were sought out for advice

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in religious matters and served as judges in the time of the Ottomans. In fact, the school gained such significance under the Ottomans that the Hanafi madhab became the fundamental code of law for daily life and law matters for all provinces under the control of the Ottoman Empire. The Hanafi School of law has some distinguishing factors that differentiate it from the other three schools due to its teachings and also that it's more liberal and open to modern ideas. Further, the school bases laws upon practicality and rationality and depends highly on the community in matters of religious importance. In addition, the school puts less authority in oral traditions when dealing with legal issues and thus it developed a " method of analogical reasoning known as Qiyas to develop the exegesis of the Quran". Also, instead of aiming to pursue people to blindly follows what's handed down in the Quran the school tries to explain and justify everything through reasoning. This is because if an individual understands the benefits aimed at by the Shariah in prescribing such things such as prayers, fasting, Hajj and Zakat as obligatory, the person better understands his/her duty and is more likely to perform them. An example of that is Zakat, as for many its merely a duty that they must perform however if one understands that the real motive behind Zakat is human sympathy and help the needy then they are more likely to appreciate the act and carry it out enthusiastically. Moreover, the School is also credited with establishing a process commonly known as " ijma" or consensus of scholars which strongly emphasizes that the universal occurrence of the Ummah according to the law constitutes evidence of will of God as supported by the scholars. The Sunni Hanafi School has gained a lot of importance and serves as the dominant school for Muslims in India, Pakistan, China, and Afghanistan⁵. Other examples include Kurds, Kazakhs

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and Muslims in Turkey, Iraq, China and Syria to name a few. This schools importance is mainly due to its liberal views and that it gives a Muslim freedom to follow their faith without a lot of limitations forced upon them.