

**MULLA'S**  
**Principles**  
**of**  
**MAHOMEDAN**  
**LAW**

**NINETEENTH EDITION**

**By**  
**M.HIDAYATULLAH**  
**and**  
**ARSHAD HIDAYATULLAH**



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NINETEENTH EDITION

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## PREFACE TO THE NINETEENTH EDITION

In this edition the scheme of the book, which has made it the most successful book on Mahomedan Law for over seven decades, has not been changed although the text has been corrected or changed where necessary.

A critic found fault with the transliteration of legal terms which, according to him, do not render the original Arabic correctly. Arabic legal terminology came to India through Persian and the Persian forms became current in Urdu. Dictionaries give only the Persian transliterations. See for example the *Faizullughat*, and the classic dictionary of Johnson. To try to go back to Arabic will savour of pedantry, at least in our country.

Recent cases on the position of divorced wives and widows and the legislative changes are put in separately.

Bombay

EDITORS

## PREFACE TO THE SIXTEENTH EDITION

In preparing this edition every care has been taken to include the cases and materials for India and Pakistan to the end of December 1965.

Mulla's book has a unique reputation. The main attraction is the ease with which Islamic law as applied in India and Pakistan can be found. It has retained its original scheme through fifteen editions. No change was, therefore, necessary or desirable. It appears that Sir George Rankin added a short introduction to the eleventh edition. A table of Imams prepared by Mr. A. A. A. Fyzee was also included in the same edition. These were continued in the later editions. The introduction was very brief and a fuller one giving a proper insight into the mechanics and methodology of Islamic law has therefore been added by me. It has not been found necessary to touch the table of Imams, except to correct an error in a date. The new introduction goes a little deeper into the history and evolution of Islamic law and rounds off with a bird's eye view of the reforms now being made and the problems attending them. In this way it places the whole matter in proper perspective. It is hoped that the new introduction will add to the usefulness of the book, and, perhaps, create interest in the students for further study. A short bibliography relative to the topics in the introduction has been added.

In recent years the Supreme Courts of India and Pakistan have shown some boldness in applying the existing principles to new cases. A few may be mentioned here. The Supreme Court of India in *Katheessa Umma v. Narayanath Kunhamu* A.I.R. 1964 S.C. 275, held valid a gift by a husband to his minor wife (aged 15 years and 9 months) although the husband did not take possession on behalf of his wife. The deed, after registration, was handed over to the mother of the girl and not to her. The couple were living with the elder lady and this was treated as effective delivery of possession to the wife. The Pakistan Supreme Court in *Rabia Khatun v. Azizuddin Biswas* P.L.D. 1965 S.C. 665 treated the donor (an adoptive father) as in the position of a parent, because the natural father had lost all interest in the boy. The gift was upheld without delivery of possession to the natural father who was treated to be at such a distance as to preclude the possibility of his presence. In *Zohra Begum v. Latif Ahmed* P.L.D. 1965 (W.P.) Lah. 695, the court was held to possess the powers of *ijtihad* which Imam Shafi had said was included in *qiyas*. The Court accordingly differed from the rules regarding the custody of the minor as given in the text books and on which there was no unanimity and adopted a course conducive to the welfare of the minor.

These attempts to liberalise the application of Islamic law to concrete cases are commendable but lest this practice becomes the rule, it should be stated that such advances may only be made rarely and only if the Koran *Hadis* and *ijmaa* are not contradicted and when no other course is open to avoid a failure of justice. The observations of the Judicial Committee in *Baqar Ali v. Anjuman* 30 I.A. 94 must be borne in mind.

Two cases of the Supreme Court of India need special mention. In respect of the case *Ramsaranlal v. Domini Kuer* A.I.R. 1961 S.C. 1747 (a decision by a majority of three to two) the minority view has also been mentioned. The minority view has the support of a decision in Pakistan and the amendments in the law relating to pre-emption in some Islamic countries have done away with 'tricks' to ward off pre-emption; see for example Art. 77 of the Decree of the Sultan of Makalla (1942).

The second case *Mohammad Sulaiman v. Mohammad Ismail* (1966) 1 S.C.R. 937 attempts to resolve the doubt on the question whether a decree in a suit by a creditor



## LIST OF BOOKS REFERRED TO

- Ameer Ali* .. Mahomedan Law. Calcutta. Vol. I (4th Ed.) 1912; Vol. II (5th Ed.) 1929. Reprints 2 Vols with an Epilogue by Dr. Tahir Mahmood, 1985.
- Baillie* .. Digest of Moohummudan Law. London. Part I 1865 (2nd Ed.) 1875, Part II 1869.
- Baillie* .. Moohummudan Law of Inheritance. London (2nd Ed.) 1874.
- Hedaya* .. Hamilton's Translation. Original Ed. 4 Vols. London. 1791 Ed. Grady, London, 1870.
- Macnaghten* .. Sir. W. H.: Principles and Precedents of Moohummudan Law. Calcutta, 1825. Ed. Sloan, Madras, 1897.
- Morley* .. Digest of Indian Cases. 2 Vols. London, 1850.
- Querry* .. Droit Mussulman. 2 Vols. Paris, 1871.
- Rahim* .. Sir Abdur: Muhammadan Jurisprudence. London and Madras, 1911.
- Rumsey* .. Moohummudan Law of Inheritance. London, 1880.
- Rumsey* .. Al Sirajiyah Translation of Sir William Jones (1792). Calcutta (2nd Ed.) 1890.
- Sale* .. George: The Koran with Preliminary Discoursè, 1734. (Numerous reprints.)
- Sirkar* .. Shama Churan: Tagore Law Lectures, 1873, Calcutta.
- West and Buhler* .. Digest of Hindu Law. Bombay (3rd Ed.), 1884.
- Wilson* .. Anglo-Muhammadan Law. Calcutta & Simla (6th Ed.), 1930.

against some of the heirs binds others not actually impleaded. The Calcutta High Court has at first held that it did but later modified the view by saying that it would do so only if the heirs sued held the estate on behalf of the other heirs. The Bombay High Court, reversing its earlier decision, held that it did not and the Madras, Allahabad and Nagpur High Courts and the Chief Court of Oudh have held likewise. This was because it was held that one heir cannot represent another. The decision of the Supreme Court lays down that the decree would be binding on the other heirs, if, without fraud or collusion and after due enquiry, all the heirs known to the Plaintiff, had been impleaded and the suit was properly contested by such of the heirs as were actually impleaded and no other defence was open or suggested. This shows that the principle of representation applies.

The original case was filed to enforce a mortgage *after the death of the mortgagor*. No question of bringing the legal representatives in the suit arose. A mortgage suit is not an administration suit and the Supreme Court also held this. The mortgage suit was thus governed by Or. 34 r. 1 C.P.C. and all persons interested in the equity of redemption had to be joined. They were not. The question was whether the share in the equity of redemption of heirs, not impleaded, was also sold at the execution sale to the mortgagee. Even if they were not necessary parties, it is submitted, the right to enforce the mortgage charge against their part of the security was not litigated at all. The question was hardly one of Islamic law or of representation but of proper parties in a mortgage case. If the mortgagee got only the right title and interest of the heirs actually sued, the heirs not sued *eo nomine* should be able to rely on section 60(5) of the Transfer of Property Act and to ask for redemption of the mortgage. As a result of this decision the following cases in which this point was considered may be taken to be impliedly overruled: *Shaha Saheb v. Sadashiva* 43 Bom. 575; *Kerodamoyi Dasi v. Habib Shaha* 29 C.W.N. 51; *Lal Muja v. Manubai* 47 Bom. 712 and *Waliyatunnissa v. Mst. Chalakhi* 10 Patna 341. *Bhagirathibai v. Roshanbi* 43 Bom. 412 (which held that the extension of the rule of representation governing joint Hindu families and the rules of *Hidaya* providing for representation by heirs in possession ought to be rejected as superseded by the Code of Civil Procedure) must also be taken to be overruled on this point. Some of these cases have, however, been included in the footnotes in appropriate places to show the historical development of the law.

The name of the book "Mahomedan Law" has been retained but I may say that this expression was coined by the English. Islamic law was not Mahomed's law. The expressions 'Mahomedan' and 'Mahomedanism' are not correct and, in a sense, are even objectionable. The proper expressions are Islamic Law and Muslim Law. The Pakistan courts have shown preference for these two expressions and writers on the subject prefer one or the other of the two latter expressions.

My thanks are due to Mr. Shankardass who has revised the book in the light of cases decided by the Indian Courts and also generally. Mr. Shankardass has done the task thoroughly and with ability. We have thought it advisable to base the paragraphs on the exposition of the law by the Indian Courts and to include the Pakistan cases separately. It is not possible to take ideas from two countries. The application of Islamic law is somewhat different in Pakistan because of the tendency to go back to the texts of the Koran, *Hadis* and *ijmaa*.

In the end it may be placed on record that Mr. V. K. Chitre (Librarian of the Supreme Court) rendered much help in procuring books for the work of editing, and Mr. A. N. Oberai, my Secretary, prepared the manuscript for the press.

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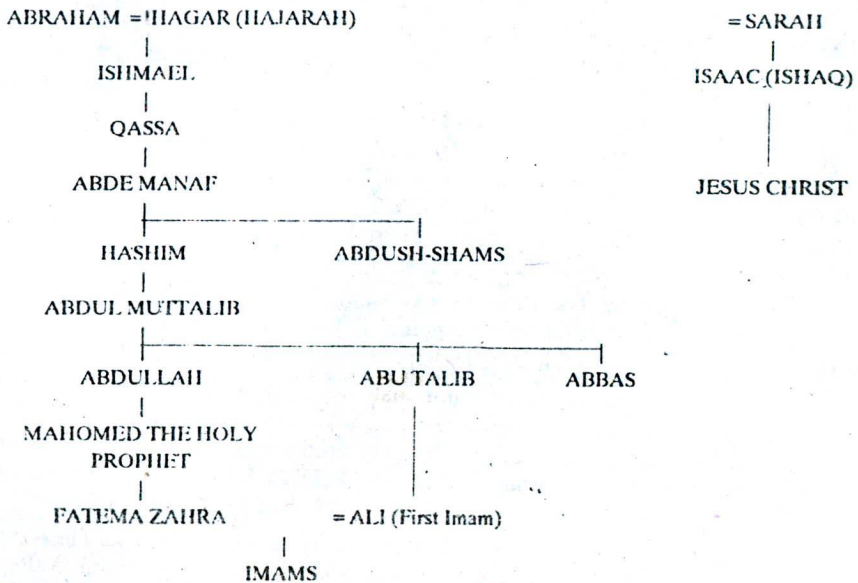
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## Introduction

**A. Mahomed the Prophet:** The Prophet Mahomed was born at Mecca on the 12th Rabi-al-awwal, corresponding to 22nd April 571 A.D.\* His family has been traced back to Abraham. Abdul Muttalib, the grandfather of the Prophet had ten sons. History has taken note of Abdullah, the father of the Prophet, Abu Talib, Abbas (founder of the Abbasid Dynasty) and Abu Lahab, a bitter enemy of the Prophet.

The Prophet was a posthumous child. His father Abdullah, while returning from Syria, where he had gone for some business died at Medina. The Prophet was brought up by his mother. On his mother's death, while yet a child, the Prophet passed into the care of his grandfather Abdul Muttalib. Two years later the grandfather also died and the boy was then brought up by his uncle Abu Talib.

### Genealogy of Prophet



When the Prophet was thirty-five, he married Khadija who bore him two sons and four daughters. The sons died in infancy. His youngest daughter Fatima was married to his cousin Ali (the fourth Caliph), son of Abu Talib. His second daughter (RaqaYYa) and on her death his third daughter (Ummi Kulsum) were married to Osman (the third Caliph). Fatima alone survived her father but died six months after the Prophet's death.

From his childhood the Prophet was serious-minded and when he grew up he was known to keep his own company and often retired to a cave called *Hira* for meditation.

\* According to Shibbli; according to Amir Ali the date corresponds to 29th August 570.



In the fortieth year he received his first *wahi* or message from God. The first to believe in his Divine message was his wife Khadija, followed by Waraqa (a blind scholar) and Abu Bakr his father-in-law and later the first Caliph. Next came Ali his son-in-law and Osman (who later became the third Caliph). Omar (who became second Caliph) was at first opposed to the Prophet but later joined the new Faith.\*

Abu Bakr and others then began preaching against Paganism but the Meccans led by the Prophet's uncle Abu Lahab, and others began to persecute the Prophet and his followers. Many of the companions left Mecca and went over to Abyssinia, to seek shelter at the court of the Negus. The Prophet and some others fled to Medina in 622 A.D. This marks the beginning of a new era, which is known as Hegira.

At Medina the Prophet's message was well received. The Prophet not only invited the people to join his Faith but also welded them into a political organisation (*Umma*). The enmity of the Meccans, however, followed the Prophet, and they were joined by the Jews. In a number of battles (Badr, Uhud and Ahzab) the Meccans were routed. Then followed a two years' truce, but the Koreish, having put an end to it, began to persecute the followers left behind in Mecca and the Prophet went to their succour at the head of an army. The Meccans surrendered without a fight. The Bedouins assaulted Mecca but were repulsed. Lastly the Christians prepared a big attack, but although the armies came together at Tabuk (midway between Medina and Damascus) the Christians abandoned the idea of fight. By the tenth year after the Flight (10 A.H.) several tribes had entered the fold. In the following year (11 A.H.) the Prophet breathed his last on 12th Rabi-al-awwal corresponding to 8th June 632. According to the Hegira calendar the dates of his birth and death were the same. There is, however, considerable difference over these dates.

**B. The Caliphate:** The Prophet was recognised as the supreme overlord and the supreme preceptor. Arabia was steeped in ignorance and barbarism, superstition and vice. Female infanticide, drinking, lechery and other vices were rampant.

However, the Prophet did not nominate a successor. His death was announced by Abu Bakr and immediate action was taken to hold an election. As it happened, the Chiefs of the tribe of Banu Khazraj were holding a meeting to elect a Chief and the Companions went to the place. This meeting elected Abu Bakr as the successor. The next day Abu Bakr ascended the pulpit and everyone took an oath of allegiance (*Bai'at*).

This election led to the great schism between the Sunnis and Shias. The Koreish tribe was divided into Ommayyads and Hashimites. The Hashimites were named after Hashim the great grand-father of the Prophet. There was bitter enmity between the Ommayyads and the Hashimites. The Hashimites favoured the succession of Ali and claimed that he ought to have been chosen because of appointment by the Prophet and propinquity to him. The election in fact took place when the household of the Prophet (including Ali) was engaged in the obsequies. This offended the Hashimites. It may, however, be said that Ali, regardless of his own claims, immediately swore allegiance to Abu Bakr. Ali was not set up when the second and third elections of Omar and Osman took place, but he never went against these decisions and accepted the new Caliph each time and gave him unstinted support.

Abu Bakr was sixty years old and was Caliph only for two years (d. 634 A.D.). Even when he was Caliph, the power behind him was Omar Ibnul Khattab. It is said that Abu Bakr named Omar as his successor. Even if this be not true, it is obvious that the election

\* The order is differently given by different writers.



was a mere formality. Omar was assassinated after ten years as Caliph (644 A.D.): Osman was elected the third Caliph. Tradition is that Omar has formed an inner panel of electors (six in number), but this is discountenanced by some leading historians. Later this tradition was used by the Abbasids to form an inner conclave for their elections. This special election used to be accepted by the people at a general, but somewhat formal, election. Osman was Caliph for 12 years and was assassinated (656 A.D.). Ali was at last elected as the fourth Caliph. The election of the first four Caliphs, who are known as *Khul'fai-i-Rashidin* (rightly-guided Caliphs) was real, although it may be said that each time the choice was such as to leave no room for opposition. Ali was Caliph for five years. He was assassinated after the battle in 661 A.D. Ali's son Hasan resigned in favour of Muavia the founder of Ommayad dynasty. Hasan was, however, murdered. The partisans of Ali persuaded Hussain, the second son of Ali, to revolt against Muavia's son Yezid, but at Kerbala, Husain died fighting after suffering great privations. The rift between the Sunnis and Shias (*Shiat-i-Ali* party of Ali) became very great thereafter.

When Muavia became the temporal and spiritual head of the Arabs, he made Damascus the capital; Amir Ali, *Spirit of Islam*, p. 128. He was the first Caliph of the House of Ommeyya. He was, of course, not universally recognised by the Arabs. After him, the Caliphs of his House nominated their successors and introduced the hereditary principle. He nominated his son Yezid; see T.W. Arnold: *The Caliphate* pp. 22, 24-25. The importance which Medina possessed as the second city of Arabia (Mecca was known as *Umm-ul-Qura* — Mother of towns) was much lost. At Mecca and Medina the traditions of the Prophet and his Companions were being followed scrupulously. There was humility and brotherhood. When the Ommayads became rulers, the Caliphate became regular kingship and some of the vices, for which Middle East was known, again crept in.

While the Ommayads were elaborating the Empire and strengthening themselves, the Meccans and Medinese were elaborating theology and jurisprudence. The Ommayad's times were less turbulent than the times of the Prophet and the first four Caliphs; this enabled them to lay the foundations of Islamic Law and jurisprudence at Damascus. But the real centres of learning were Mecca, Medina and Kufa. Ata ibn Rabbah was the leading scholar at Mecca. Ibrahim-al-Nakhlai filled the same role at Kufa but at Medina there were many eminent scholars of whom seven were chosen as representatives.

After fourteen sovereigns had resigned from Damascus, the Ommayad Dynasty was overthrown by the Abbasids who claimed descent from Abbas the uncle of the Prophet. The Sunni Caliphate had attained its greatest extent under the Ommayads. It stretched from the Atlantic to the Indian Ocean and down to Abyssinia in the South. In 750 A.D. Abdul Abbas As-Saffah was installed as Caliph in the famous cathedral Mosque of Kufa. In his first sermon he inveighed against the neglect of the house of Abbas. Saffah's brother Mansur, the second Caliph, founded Baghdad and it became the seat of the Caliphate *Dar-ul-Khilafat*. While the Ommayad Caliphs do not seem to have asserted their spiritual leadership, the Abbasids proclaimed their spiritual succession by donning the mantle of the Prophet at each succession. The abbasid Caliphate lasted for five centuries. The Mongols sacked Baghdad in 1258 A.D. The thirty-seventh Abbasid Caliph Al-Musta'sim b'illah died with his family in the carnage.

The Sunni world was left without an Imam and Caliph. The Sultan Baibars invited Abul Kasim Ahmed (who had escaped death at the hands of the Mongols), to head the Sunni brotherhood and he was installed at Cairo (1261 A.D.). This Caliphate lasted for



two and a half centuries. These Caliphs had no temporal power but used to invest the kings with authority as far as India. About the end of the fifteenth century the Ottoman ruler Selim I rose to power. The Mameluke Sultans in Egypt had become degenerate and the people invited Selim I. The Mamelukes were overthrown. The Caliphate was transferred to Selim I by a deed of assignment in 1571 A.D. Thus the Caliphate passed to the Ottomans and Constantinople became the *Dar-ul-Khilafat*. The keys of *Ka'aba* were presented to Selim I by the Sheriff of Mecca, who took the oath of allegiance by proxy through his son. In 1922 Mustapha Kemal Ataturk abolished the Sultanate of Turkey. For two years the Caliphate was kept alive, while Abdul Majid II attempted to establish himself as a Muslim Pope. Without power and in fact without duties, the office was found to be redundant. In 1924 the Caliphate was formally abolished by the National Assembly at Angora (Ankara).

King Husayn of Hejaz tried to appropriate the title. King Fuad was also considered by some to be eligible but others thought that he was an Albanian and personally not fit. Ibn Saud would have probably suited but was not willing. In India the Agha Khan, Ameer Ali and the Ali Brothers deplored the deposition of Islam's spiritual head. The *Khilafat* movement in India came to nothing and the Caliphate may be said to have gone.

**C. Imamate:** During the time of the Abbasids the Caliphs used the title of Imam for the first time. The Imamate has led to many schisms in the Islamic fold. The imam represents a kind of spiritual vicegerency as opposed to the temporal succession which was implicit in the Caliph. The Prophet was the Apostle of God and Abu Bakr became the first successor to the Prophet. The word *Khalifa* (Caliph) was used to denote a successor and was so used in the Koran. The second Caliph Omar added the title of *Amir-ul-mu'minin* (Commander of the Faithful) to the *Khalifa*. The spiritual leadership among the Sunnis, with or without secular leadership, was not of the same character as Papacy. The word Imam has different meanings. It signifies the person leading the prayers. In the Koran this word is not used in this sense. As a matter of fact the Prophet always led the prayers up to his last illness, when, at his request, Abu Bakr led the prayers and the Prophet, with others, prayed behind him. There is no special qualification for leading a prayer. Any muslim can act as imam. Perhaps the Caliph could alone lead the prayers, if present, unless he permitted some other person. But this is not the meaning which concerns us. *Pesh Imam* is generally the High priest at a mosque. The word 'Imam' is also applied to the heads of the schools of Islamic Law and particularly Imam Shaffi. This is also not the meaning in which the word may be understood here. There is a difference between *Imamat-al-Kubra* and *Imamat-as Sughra*. The former is spiritual headship and the latter the right to officiate at the prayers. The caliph is the *Imam-al-Kabir* the supreme leader. This is the sense in which the question of Imamate arises.

Among the Sunnis it meant leadership of the whole body of Sunnis. The Caliph according to the Sunnis is the servant of the law, according to the Shias the Imam is the supreme law giver. The Caliph is elected but the Imam among the Shias is nominated by the previous Imam. According to the Shias Imamate descended in the Prophet's "direct male line" by Divine will. The Shias consider that the first three Caliphs were usurpers and Ali was the rightful Imam as also the Caliph. Thereafter it descended in the family of Ali. This claim is rejected by the Sunnis who believe in election in a gathering of the Sunni body. The Shias reject elections. The Imamate has thus greater significance among the Shias. An Imam once appointed cannot be removed among the Shias because it is an act of Divine Will. It is otherwise with the Sunnis. The existence of an Imam is essential



to the Shias as will be apparent presently.

The Shias are however not agreed upon the line of Imams. The *Ithna Asharis* (Twelvers), also called *Imamas*, believe that the twelfth Imam disappeared but will appear again. The eleventh Imam and his father were imprisoned by the Abbasid Caliph Mutawakkil and his successors. When the eleventh Imam died his son (aged 5) entered a cave near the house in search of his father, and was never seen again. The Twelvers believe that he will appear some day and that is why he is known as Muhammad-al-Muntazar (awaited or expected) and *alqaim* (living).

The Imamate also split at the time of the seventh Imam. The *Ismailis* (also known as *Sabi'yun* i.e. Seveners) derive their name from Ismail the son of Jafar as Sadiq. The Seveners believe that after the death of Jafar the Imamate descended to Ismail al-Maktum (hidden) and not to Musa-al-Kazim as held by the Twelvers. Ismail was called "hidden" because the followers kept him hidden from the Abbasids. The Ismaili Imamate passed to the Fatimid Caliphs after the last unrevealed Imam, Mahommed-al-Habib.

After the 8th Fatimid Caliph there was a split in the *Ismailis*. One sect (the Western *Ismailis*) followed Al-Musta'li b'illah, the 9th Fatimid Caliph. This line went on to the 21st Imam, Abul Kasim al-Taiyib but he became *Mastur* (occult). The other sect (the Eastern *Ismailis*) followed Nizar and their 49th Imam is the present Aga Khan.

There are other sects also. The *Zaidis* are followers of Zaid son of Ali Asghar Zain-ul-Abidin the 4th Imam. They believe that the Imamate went from Ali to Hasan and then to Husain and from him to Ali II and from him to Zaid and not (as generally held) to Muhammad Al-Bakir. In their jurisprudence *Zaidis* are nearest to the *Sunnis*. They have elective Imamate but the candidate must belong to the family of the Prophet. They, however, admit that it is possible to elect a person having the highest qualities including, of course, proficiency in arms and bravery. They maintain that Ali fulfilled every qualification and ought to have been elected. They, however, accept the Imamate of the first two caliphs. They are known as *Rawafiz* (dissenters) by the rest of the Shias for this reason. Zaid himself differed from Muhammad al-Bakir on the qualification regarding the use of arms. Zaid revolted against the *Ommayyads* and was killed in battle near Kufa. His son Yahya also lost his life in the same way. The *Zaidi* Imams are the rulers of northern Yemen. There are four sects among the *Zaidis* also. There is no need to mention them here. There were other minor sects of Shias. The prophet had said that the Muslims would be divided into seventy three sects and verily this has come true! It is not necessary to trace the Imamate among them.

(The Imamate has been shown in the genealogical chart on the next page).

**D. Schools of Islamic Law:** The first broad division is between the schools of *Sunnis* and *Shias* Laws. There are four recognised schools of *Sunni* Law. They are (i) the *Hanafi* school, (ii) the *Maliki* school, (iii) the *Shafei* school and (iv) the school of *Ahmad ibn Hanbal*.

#### (i) The Hanafi School

This is the most famous of the four schools of *Hanafi* law. This school was founded by *Abu Hanifa* (699-767 A.D.) The school is also known as "*Kufa School*". Although taught by the great Imam *Jafar-as-Sadik*, the founder of the *Shia* school, *Abu Hanifa* was also a pupil of *Abu Abdullah ibn-ul-Mubarak* and *Hamid bin-Sulaiman* and this may account for his founding a separate school. This school was favoured by the *Abbasid* Caliphs and its doctrines spread far and wide. *Abu Hanifa* earned the appellation "*The*

**Imams of the Shias**

1. Ali (d. 661 A.D.)

2. Hassan (d. 670 A.D.)

[Descendants are the Sharifs of Morocco and Idrisids of N. Africa.]

3. Hussain (d. 680 A.D.)

4. Ali Asghar Azinul-abidin (d. 712 A.D.)

5. Zaid (d. 740 A.D.)

[Descendants are the Zaidi Imams of the Yemen in S. Arabia]

5. Muhammad al-Baqir (d. 732.)

6. Jafar as-Sadiq (d. 765 A.D.)

7. Ismail

[Descendants are the Fatimid Caliphs of Egypt and Imams of the Ismailis.]

7. Mussa Al-Kazim (d. 799 A.D.)

8. Ali ar-Rida (d. 834 A.D.)

Al-Mustansir (d. 1094 A.D.)  
[8th Fatimid Caliph & 18th Imam]

9. Muhammad at-Taqi al-Jawad (d. 835 A.D.)

Nizar (d. 1095 A.D.)

Al-Mustali (d. 1094 A.D.)

10. Ali an-Naqi al-Hadi (d. 868 A.D.)

11. Al-Hasan al-Askari (d. 873 A.D.)

[Descendants are the Imams of the Nizarites or *Eastern* Ismailis of Syria, Persia and Central Asia and the Ismaili Khojas of India, whose present and 49th Imam is H.H. the Aga Khan.]

[Descendants are the Imams of the Mustalian or *Western* Ismailis, Ismailis of Yemen, Syria, and Dawoodi and Sulaimani Bohras of India whose last and 21st Imam Abul-Kasim al-Tayyib became occult (*mawtur*) in 1132 A.D.]

12. Muhammad al-Muntazar, Imam al-Qaim, Shaib al-Zaman (disappeared between 873 and 877 A.D. to return on the Day of Judgment.)

These are the Imams of the Ismailis.

These are the Imams of the Ithna Asharis or Twelvers.



Great Imam". The school was fortunate in possessing, besides Abu Hanifa, his two more celebrated pupils, Abu Yusuf (who became the Chief *Kazi* at Baghdad) and Imam Muhammad Ash-Shaybani, a prolific writer, who has left behind a number of books on jurisprudence. The founder of the school himself left very little written work. The home of this school was Iraq but it shares this territory with other schools although there is a fair representation. The Ottoman Turks and the Seljuk Turks were Hanafis. The doctrines of this school spread to Syria, Afghanistan, Turkish Central Asia and India. Other names connected with the Kufa School are Ibn Abi Layla and Safyan Thawri. Books on the doctrines are *al-Hidaay* of Marghinani (translated by Hamilton), *Radd-al-Mukhtar* and *Durr-ul-Mukhtar* of Ibn Abidin and *al-Mukhtasar* of Kuduri. The *Fatawa-i-Alamgiri* collected in Aurangzeb's time contain the doctrines of this school with other material.

### (ii) The Maliki School

This School was founded by Malik ibn Anas (713-795 A.D.), who was an inhabitant of Medina. Malik passed his life there and expounded the Traditions. He incurred the wrath of the Abbasids by his ruling that an oath of allegiance given, under duress, to the Abbasids was not binding. Later he was forgiven and it is said that Haroun-al-Rashid visited him at Medina. Malik came of a family known for its learning. Although taught by a teacher who emphasised independent exercise of reason in interpretation, Malik leaned towards jurisprudence based on the Koran and *Hadis*. Of the later *sunna* (*infra*) he followed only those of the Prophet. When Traditions conflicted, Malik depended on *ijmaa* (*infra*) for the solution of conflict. But he relied only on the *ijmaa* of the Medinese *mujtahids* (*infra*). Malik also perfected the doctrine of the judicial practice of Medina. Malik's book *Kitab-al-Muwatta* systematized the law. Another important book containing Maliki doctrines is *al-Mukhtasar* of Khalil ibn Ishak. The *Risala* of Ibn Abi Zayd is also an authority.

The teachings of Malik Ibn Anas spread from Medina and Upper Egypt to Central and West Africa, Spain, and Eastern Arabian Coast where Maliks exist with Hanbalis and Shiites. At one time Morocco was a great centre of Maliki doctrines. Malik's great pupil Shahnun died in 854 A.D. but by then he had firmly established the Maliki school.

### (iii) The Shafei School

This school was founded by Muhammad ibn Idris ash-Shafei (767-820 A.D.). He was a pupil of Malik ibn Anas but lived a part of his life at Baghdad and the rest at Cairo. Ash-Shafei was foremost in jurisprudence and methodology of law. He was responsible for the doctrine of *Qiyas* (*infra*) but he ruled that an analogy may be based rightly on the Koran or *Hadis* or *ijmaa* (*infra*). He established *ijmaa* as a source of law. He recognised only the *sunna* (*infra*) of the Prophet. Ash Shafei's famous work is *Kitab-ul-umm*. A large number of books have been written on Shafei school of which *Tuhfat-al-Muhtaj* of Hajar and *Nihajat al-Muhtaj* of Ramli, both commentaries of Nawawi's *Minhaj al Talibin* are standard authorities. Al Ghazzali's *Al-Wajiz* is also well-known.

The Shafei school spread in lower Egypt, Hejaz, South Arabia and East Africa. It has some adherents in Iraq and had a hold in Persia but lost ground to Shiites. There are very few Shafeis in India (mainly on the West Coast) but it has large numbers in Indonesia, Malaysia and South East Asia.

### (iv) The Hanbali School

Every modification of principles which took people away from the Traditions of the Prophet caused a reaction among those who held to the Traditions. This was particularly



so when *Qiyas* (infra) was developed. The Traditionist followed the teachings of Ahmed ibn Hanbal (780-855 A.D.). Born at Baghdad, Ahmed ibn Hanbal was a pupil of Imam Shafei. He perfected the doctrine of *usul* (infra). He was author of several books chief among which are *Musnad al-Imam Hanbal*, *Taat-ur-Rasul* and *Kitab-ul-Alal*. The most exhaustive work on Hanbali doctrines has been written by Muwaffak al-Din. Two Hanbali scholars (ibn Taymiyya and his pupil Ibn Kayyin-al-Jawayza) wrote on *Siyasa* and *Sharia* (infra).

The Hanbalis spread to Persia but lost ground to the Shiites. Hanbalis are to be found in Syria and Palestine. The Wahabi movement in Saudi Arabia (started by Mohammad ibn Abd-ul-Wahab about the middle of 18th century) has introduced a puritan attitude and all innovations based on *qiyas* (infra) and *rai* (infra) are rejected as opposed to Traditions of the Prophet.

In India there is a sect known as *Ghair Muqqallad*, who do not strictly follow any school and who are akin to *wahabis*.

### The Shia School

The Shia School owes its origin to Imam Jafar as-Sadik the 6th Imam of the Imamias. This makes it earlier in point of time to most of the Sunni schools discussed above. There are many differences between *Shia* and *Sunni* jurisprudence. Shias do not accept any Tradition attributed to the Prophet (infra) unless it comes from the household of the Prophet (*ahl-i-Bait*). They also do not accept the validity of any decision not endorsed by an Imam. The Imamia Shias are divided into two main branches—*Akhbari* and *Usuli*. The *Akhbaris* accept certain resolutions of former scholars but not the *Usulis*. The latter accept only those which are approved by their Imams. As, however, the Imams may not be available it is permissible to interpret by the application of reason (*aql*). In other words *ijmaa* is valid only if the Imam could not be consulted. Conversely there is no room for equity, public policy or analogical deduction if the Imam were available.

The Shias are found in Persia where they form the largest majority. Elsewhere they are generally in minority.

The School of Mutazilas is a rationalist branch founded by Wasil bin Ata. He was a pupil of Imam Hasan of Basra, a liberal philosopher, but went beyond his master and is known as a dissenter.

**E. Degrees of Obedience:** Islam divides all actions into five kinds which figure differently in the sight of God and in respect of which His Commands are different. This plays an important part in the lives of Muslims.

- (i) **First degree: *Farz*.** Whatever is commanded in the Koran, *Hadis* or *ijmaa* must be obeyed.  
*Wajib*. Perhaps a little less compulsory than *Farz* but only slightly less so.
- (ii) **Second degree: *Masnun*, *Mandub* and *Mustahab*:** These are recommended actions.
- (iii) **Third degree: *Jaiz* or *Mubah*:** These are permissible actions as to which religion is indifferent.
- (iv) **Fourth degree: *Makruh*:** That which is reprobated as unworthy.
- (v) **Fifth degree: *Haram*:** That which is forbidden.

**F. Sources of Islamic Law:** There are four sources of Islamic Law. They are (i) *Koran*; (ii) *Sunna* or Tradition; (iii) *Ijmaa* or consensus of opinion and (iv) *Qiyas* or

analogical deductions.

### (i) The Koran

The word '*Islam*' means 'peace' and 'submission'. In its religious sense it denotes 'submission to the Will of God' and in its secular sense, the establishment of peace. The word '*Muslim*' in Arabic is the active participle of *Aslama*, which is acceptance of the faith, and of which the noun of action is *Islam*. In English the word Muslim is used both as a noun and as an adjective, and denotes both the person professing the faith and something peculiar to Muslims, such as Law, Culture, Art etc.

Muslims believe in the Divine origin of their Holy Book which according to their belief was revealed to the Prophet by Gabriel. The Koran is *Al-furqan*, i.e. one showing truth from falsehood and right from wrong. The Koran contains about 6000 verses but not more than 200 verses deal with legal principles and if we leave out of account those which concern the State as such, there are about 80 verses, more or less, which deal with the law of personal status. Most of them are concerned with inheritance, marriage, divorce and such like matters. The Koran does not even set them out as a code in one place. They are found in the portion of the Koran revealed to the Prophet at Medina. The portion which was revealed at Mecca is singularly free of legal matters and contains the philosophy of life and religion and particularly Islam. The legal verses embody broad principles but do not explain or expound them. As the Koran is of Divine origin, so are the religion and its tenets and the philosophy and the legal principles which the Koran inculcates. Since the Koran has no earthly source, it is obvious that none of this can be altered by any human agency or institution.

The Koran was compiled from memory after the Prophet's death from the version of Osman the third Caliph. During the Caliphate of Abu Bakr and Omar, the work of compilation of the Koran was begun under the supervision of Hazrat bin Sabit. The leaves of paper on which he scribed the texts remained in the custody of the first two Caliphs. Later they were kept with *Umme Hafsa* (wife of the Prophet and daughter of Omar). According to Henri Masse in his book *Islam* (translated into English from the original French by Halide Edib): 'The first version of the Koran had no official standing beyond being a personal enterprise of Abu Bakr and Omar; but a few years later this text acquired a great importance when the Caliph Osman set out to establish the canonical text of the Koran... The Original Leaves (*sohof*) had now lost their importance and became nothing more than souvenirs for the widow of Muhammad.'

There were other editions of the Koran, particularly by Obay ben Kaab, Abdullah ben Masud, Abu Musa Abdullah al Ashari and Miqaad ben Amr. There were many divergences between the texts. It was General Hodaifa, who advised Osman about 650 A.D. to get prepared an authentic edition of the Koran. The work was entrusted to Zaid ben Sabit but other Kureishites also collaborated. In fact Osman himself added certain portions. The official Koran contained two chapters less than the Obay edition and two chapters more than the Ibn Masud edition. There were other differences also. The Khardijites objected to Chapter 12 where the story of Yusuf and the Egyptian Queen is told. The Shiites charged the editors with suppression of certain passages concerning Ali. Even the edition of Osman (as it came to be known later) underwent minor emendations. The other editions were suppressed by Osman's orders.

The Indian Council for Cultural Relations (*Anjuman Rawabat-e-Farhangi-ai-Hind*) has recently found certain remarks written by Maulana Abul Kalam Azad on the margins of books in his private collection. On the margin of *Haqiqat-ul-Mazhab* of Mohammad



Abdus Salam Khan (Rampur State Press, 1911) the following comments appear:  
(Page 90)

The author had written that after the *wahis* came, they were committed to memory and after the Prophet had heard and approved the text, the scribes wrote them down, and thus the Koran came to be compiled within two years of the Prophet's death in the time of the First Caliph. *Azad*: It is established from Bukhari that the scribes of *Wahis* were there from the very beginning and the internal evidence from the Koran proves that the Koran in book form was available in the Prophet's time. *Azad* cites from the Koran the words '*Al-kitab*'; '*Kitab Manshur fi warq manshur*'; '*Sahaf-e-Mitahra*' in proof of the statement.

(Page 91)

The author remarks that in view of differences the Koran was rewritten in the Third Caliph's time, and the present Koran is from the Third Caliph's time.

*Azad*: This is not correct. Osman did no more than publish four copies of Zaid-ibn-Sabit's edition. The collection and arrangement of the *Wahis* took place in the Prophet's time and all differences were resolved in the First Caliph's time. [See: *Islam aur Asr-i-Jadid* Vol. VIII (1) 1976] pp. 89, 90.

It is obvious that there are two versions. There is nothing to show what was the source of Maulana *Azad*'s opinion and we cannot give preference to his views on the basis of an *argumentum quae rei dubiae facit fidem*.

Good translations of the Koran are: Sole (English) Du Ryer and Savory (French), Suruf Ali (Urdu).

#### (ii) Sunna or Tradition

The word '*sunna*' means 'the trodden path' and as this meaning shows, it denotes some kind of practice and precedent. At first this word was applied to custom and to the practice of the early schools of law but later and finally it means the practice and precedents of the Prophet. The principles which were stated in the Koran found their application in the hands of the Prophet. This gave birth to *hadis* (practice — pl. *Ahadis*) of the Prophet. As a source of law *hadis* is as binding as the principles of Koran. The term '*sunna*' is sometimes applied to the precedents created by authorities other than the Prophet but this is a wrong use of the term and is best avoided. The number of *ahadis* is very large. Ahmed ibn-Hanbal in his *Musnad* collected over 80,000 *ahadis*, and in other collections the number is still larger because many of these precedents are not authentic. The words of the Prophet and his actions were noted and written down immediately and on many an occasion persons attempted to make a point by quoting the practice and precedent of the Prophet because they were genuinely of the opinion that the Prophet would in fact have reacted as they reported. But it was one thing to report a *hadis* which was true and quite another to originate a *hadis* which really had no validity as a binding precedent. Much scrutiny is, therefore, applied before a *hadis* can be accepted. Generally *ahadis* based on single testimony (*Khabar-al-wahid*) is considered insufficient. One of the greatest differences between the *Sunnis* and *Shias* lies in the fact that the *Shias* do not give credence to a *hadis* unless it emanates from the household of the Prophet, particularly from the household of Ali. There are many collections of Traditions. Most of them deal with the principles of Islam as distinguished from Islamic Law. The authoritative collections are Bukhari, Muslim, Ibn Maja, Nasai, etc. The *Sanin Kubra* is also very important.

According to the classical belief of the Muslims the word of God is law and law is the command of God. This law is known as *sharia*. *Fiqh*, which is jurisprudential in character is the ascertainment of the right principle. In the word of God is included, of course, the Koran, but the Divinely inspired *sunna* of the Prophet ranks equal. These two are immutable and the only room for the exercise of human reason is in their understanding. These two sources, namely, the Koran and *sunna* may thus be said to form the fundamental roots of Islamic law.

### (iii) *Ijmaa*

It was equally binding on the people to act on a principle (not contrary to the Koran or *Hadis*) which had been established by agreement among highly qualified legal scholars of any generation. This was supported by the Hanafi doctrine that the provisions of law must change with the changing times and of the Malikis that new facts require new decisions. The validity of *ijmaa*, as containing a binding precedent, is based upon a *hadis* of the Prophet which says that God will not allow His people to agree on an error. *Ijmaa* thus became a source of law. *Ijmaa* is, however, to be distinguished from mere novelty or heresy for which the name is *Bidat*. *Ijmaa* was a feature of all the schools of *Sunni* Law and the rules deduced by *ijmaa* are equally valid and binding in each school. Some Western writers have derisively described *ijmaa* as a means of "Muslims shaping Islam" instead of "Islam shaping Muslims". As a matter of fact without *ijmaa* which is responsible for a vast body of principles, the rules of Islamic law as contained in the Koran would have been extremely sparse. Authority for *ijmaa* is said to emanate from a verse of the Koran (*Amrahum shura baynahum*) "the way is by counsel in their affairs). This has prompted another non-muslim writer to say that "the writ of the Quran runs by *ijmaa*".

Imam Shafei cited: '*Vaman Yushaqiqir Rasoola min badi ma tabayana lahul huda vayattabi ghaira sabilil mominine nuvallehi ma tavalla va nuslehi jahannuma va saat masira*', (4; 115). (After the Prophet has shown the right path to him, the one, if he breaks away from the Prophet and follows other than Muslims, We shall give unto him what he has chosen and put him in Hell). The Prophet always spoke in the name of God. The *Hadis* undoubtedly reads: *Ummati la tajtameou alal khatai va alazaalalati*, (My people who follow Me, will never agree on what is wrong). But the paraphrase expresses the meaning.

Rules deduced on the basis of *ijmaa* have varying degrees of sanctity in the different schools. But all schools are agreed that where there is valid consensus, no disagreement can thereafter be allowed. In other words, *ijmaa* once established cannot be repealed. The Hanafis regard *ijmaa* as a fundamental source but the Shafeis regard it as of minor importance. Malikis place *ijmaa* of scholars of Medina above others and generally follow the Medinese thought. *Ijmaa* thus means a kind of 'communal legislation' by great scholars.

In developing Islamic law by consensus the doctrine of *ijtihad* was employed. *Ijtihad* means "one's own exertions" and it denotes the exercise of one's reason to deduce a rule of *sharia* law. Although it can be stated as a general rule that the principles laid down by the Koran and the *Hadis* must always be followed, the development of Islamic law in the time of the first four Caliphs and much later was done by the application of this doctrine. In deducing a new principle the text of the Koran and the *Hadis* were not lost sight of but exigency of the time and public interest were also borne in mind. It is not wrong to say that the development and advance in legal principles was the result of compelling



necessity when the Koran and the *Hadis* did not disclose the precise line to follow. Where a principle was silent to cover an individual case an independent effort had to be made and this is what is meant by *ijtihād*. As public policy and equity played a great part, a conflict is noticeable between the approach in different schools. But this divergence of opinion (*ikhtilaf*) was not of much consequence because the Prophet had said that disagreement in the community of Muslims was a sign of divine indulgence.

*Ijtihād* must be distinguished from free opinion (*Rai*). It is restricted to "drawing of valid conclusions from Koran, the *sunna* of the Prophet and the consensus by analogy or systematic reasoning." *Ijtihād* was open to scholars who deserved the title of *mujtahids*. The conditions for being recognised as a *mujtahid* were extremely exacting and difficult. A complete knowledge of Arabic, of the Koran, *Hadis*, *amal* (practice) of the Companions of the Prophet and all extant legal learning, was incumbent. As the *sharia* envisages the whole duty of Muslim, the discovery of the right principle of *sharia* from the Koran, *Hadis*, *ijmaa* and *amal* was not a task for everyone. The *mujtahids* were men of great scholarship and learning who drew unstinted regard and respect from everyone. They were also of varying degrees. At the top were the first four Imams of the Sunni school whose position as the Companions of the Prophet and otherwise was pre-eminent. At the bottom of the scale came *Muqaladoon* — learned men who did not claim to settle new rules but merely applied the appropriate principle. They were so called because they merely "followed" the earlier principles. Between these two extremes in a descending order were the founders of the schools of thought; jurists who could supply rules where there were lacunae; those who could interpret; those who could select between rival interpretations; and those who could show which rule was stronger than another. There are also *ijma-al-umma*, that is, agreement between the people and *ijma-al-Alimma*, that is, consensus of scholars. The *ijmaa* had also degrees of importance according to the scholars who agreed on a principle. In this way the *ijmaa* of the Companions of the Prophet are in the first category. Another way of looking at the matter is: what was the nature of the agreement? In the second category came those *ijmaa* where some juriconsults agreed and others did not dissent. In the third category were opinions of *mujtahids* on a new point. In the last category were *ijmaas* on which there was earlier disagreement among *mujtahids*. Here also there were many different approaches to the problem of *ijtihād*. The Malikis for example, placed the consensus of ancient scholars of Medina (*ijma-ahl-al-Medina*) above *ijmaa* of any other place. The Hanbalis accept the opinions of the Companions of the Prophet but the Hanafis accept the opinions of jurists of any age. The *Shias* accept only *ijmaa* of the family of the Prophet.

As time went on liberty to reason became more and more restricted. About the 9th century it was acknowledged on all hands that *ijtihād* was the privilege of great scholars of the past and the word itself denoted only the effort of such scholars. Moreover, as the Muslims spread far and wide, consultation between juriconsults became almost impossible. By the 10th century it was felt that all principles had been completely settled; and by *ijmaa* itself all the schools held that *ijtihād* was no longer open. This is known as the closure of "the gate of *ijtihād*" (*bab-al-ijtihād*). None was then considered qualified for independent reasoning and all that could be done was to explain and apply the principles and very rarely to interpret. Thenceforth it has not been possible to find new principles by *ijtihād*. Diverse reasons have been given for this closure. Some think that the Muslims did this in the face of invasion and to avoid the inroads of other philosophies to preserve their *sharia*. But it seems that respect for the towering genius of the juriconsults of antiquity lay at the root. They had all died by the 10th century as the short



account that follows shows.

Muhammad died in 632 A.D. and the first four Caliphs at Medina (Abu Bakr, Omar, Osman and Ali) were available till 661 A.D. Thereafter the Omayyad dynasty founded by Muavia at Damascus ruled till 750 A.D. to be overthrown and replaced by the Abbasids Dynasty. Between 715-725 A.D. the deaths of the earlier scholars of Medina and Abraham-al-Nakhai of Kufa took place. Zaid-ibn-Ali, who had compiled legal traditions, also died in 740 A.D. The Kufa school then lost Ibn Abi Layla, Abu Hanifa, Sufyan Thawri, Abu Yusuf, Muhammad Shayabani, all between 765-805 A.D. In 795 A.D. Malik Ibn Anas founder of the Maliki school and in 854 A.D. Shahnun an eminent Maliki scholar died. In 855 A.D. Ahmed ibn Hanbal died and in 820 A.D. Muhammad Ash-Shafii and in 878 A.D. his disciple Muzani died. There were others also belonging to these four schools who also died round about the first quarter of the 10th century and 'the closure of the gate' then became almost imperative.

The doctrine of *ijtihad* was itself based on the application of some distinct principles. Abu Hanifa applied the principle of *istihsan* (equity), the Malikis applied *istislah* (consideration of public interest), *Maslaha*, or *istishab* (discovery of sound precedent). A new principle had to conform in full with the doctrines of a particular school. Each independent interpretation of the *sharia* thus had equal validity and the only question was which would a Muslim follow? Instances have been known in which a Muslim has secured some advantage by choosing the doctrines of another school for a particular transaction and cases have also occurred in which the *kazi* of one school had sent parties to *kazi* of another school which was liberal on that point. But a person cannot combine the doctrines of a number of schools on a single occasion. Such a process is known as *talfik* (piecing together). This, however, has sometimes been resorted to.

In all these schools (except that founded by Imam Ahmed ibn Hanbal) in spite of their differences, there is always a general agreement on the broadening principle. The *istihsan* of Abu Hanifa, the *istislah* of Malik ibn Anas and the *qiyas* (infra) of Ash-Shafei were all intended to harmonise and liberalise the original principles. Imam Ahmed ibn Hanbal alone, being a traditionalist, did not accept the doctrine of *ijtihad*. He formulated his doctrine of *usul* (roots) based on *Hadis*, i.e. traditions. In his *Musnad* he collected over 80,000 *ahadis*. He was such a strict follower of the traditions of the Prophet that he never ate water-melon because he could not discover a precedent in the Prophet's life. In spite of this he also put liberal constructions upon the Traditions of the Prophet and his *usul* (roots) contained what was common to all schools.

Once the door of *ijtihad* was closed, the people could only follow what had been laid down earlier by *ijmaa*, and, of course, what was ordained by the Koran and *Hadis*. This led to the development of the doctrine of *Taqlid* (following). *Taqlid* meant different things at different times. At first the term meant a harking back to the *amal* of the Companions of the Prophet and sometimes even the companions of these Companions. Later the word meant following a particular teacher. This is the least valid of the meanings. Lastly it meant adopting the doctrines of a particular school and as a corollary the adoption of the doctrines of another school for a particular transaction but not so as to lead to *talfik* as already stated.

It may be mentioned that in addition to the four well-known schools of Hanafi Law, there were other minor schools. Daud ibn Khalaf founded the Zahiri School, Abu Thawri and Tabari founded other schools. When such schools ceased to be effective their doctrines were reconsidered and after reducing the differences, they were assimilated to one of the four main schools. By the end of the 13th century, the four great schools

alone survived.

#### (iv) Qiyas

This is the last source of Islamic Law. Compared with the other three sources it is of much less significance. It consists in applying some text if the case can be demonstrated to be governed by the reason of the rule underlying it although the language may not apply. This is reasoning by analogy. There is a *hadis* of the Prophet which is usually invoked in this connection, and which may be mentioned here. When Mouadh was appointed Chief Justice of Yemen,\* the Prophet questioned him to know how he would conduct himself and this is what was said:

*Prophet:* On what shalt thou base thy decision?

*Mouadh:* On the Koran.

*Prophet:* If the Koran does not give guidance to the purpose?

*Mouadh:* Then upon the usage of the Prophet.

*Prophet:* But if that also fails?

*Mouadh:* Then I shall follow my own reason.

The Prophet fully approved of the replies of Mouadh and praised God that His servant was on the right path.

Analogical deduction became another source of law. *Qiyas* does not involve the laying down of new principles but is a kind of permissible exegesis upon some text. *Qiyas* was admitted to the group of sources by a sort of compromise and tolerance by the Shafei school and by Malik in his book *Muwatta*. A principle thus admits of varied applications but within itself. Abu Hanifa placed *Qiyas* above *Khobar-al-Wahid* (*Hadis* based on single testimony). It may fairly be assumed that *Qiyas* led to *istihsan* because, while *Qiyas* was sometimes based on a far fetched analogy, *istihsan* was always productive of a logical approach. *Qiyas* is thus a weak kind of *ijtihad*. The difference between *Qiyas* and *istihsan* is that *istihsan* allowed some discretion without having to base the conclusion on an analogy. It was for this reason that Shafei rejected *istihsan* as mere *rai* (an opinion).

The greatest opponents of *Qiyas* were persons belonging to the school of Ahmed ibn Hanbal, the great traditionist. The *Shias* also do not accept *Qiyas* because they are of opinion that if law needs to be enlarged it must be by the Imam and none else. The Shafeis also regard *ijtihad* and *Qiyas* as contradictory of their own views.

#### Fatawas

Though not a source of law, *Fatawas* as opinions of judges and *muftis* in the light of facts are important. These have been instrumental in the development and enrichment of legal principles. In dealing with the facts the *mufti* consults the Koran, *Hadis*, *ijmaa*, *amal* of the *Khulfai Rashidin* and then gives his ruling as to the law applicable. In India the most famous collection of *Fatawas*, compiled in Aurangzeb's time, goes under the name *Fatawa-i-Alamgiri*. It has collected in one place the Hanafi doctrines with other material. There are other collections also, earlier in point of time.\*\*

**G. Islamic Law and Reform:** Reform of personal law nearly always poses a serious problem for any government particularly if religion plays a part. In our country where,

\* He was also the Governor. See Fyzee, *Outlines of Muhammedan Law* (3rd. ed.), p. 17 and Amir Ali, *Spirit of Islam*, pp. 115, 183.

\*\* On the Fundamental Laws of Islam and its sources, see also the very learned and important Judgment of the Pakistan Supreme Court in *Khurshid Bibi v. Mohd. Amin P.L.D. 1967. S.C. 97.*



for various reasons, reform of Islamic personal law has been difficult at the best of times, it has become non-existent, although there is strong public opinion that progressive ideas, in keeping with the march of time should find place in the social life of Muslims. This reform cannot obviously be left to scholars. The scholars today cannot reopen the closed doors of *ijtihad*, even if it were possible. Moreover, where are the scholars who can be said to possess the necessary qualifications? The only alternative is legislation and to a certain extent, liberal judicial interpretation of the root principles where possible. There is, however, considerable opposition to the Legislatures and Courts playing the role of *mujtahids*. There is also a highly conservative sentiment which Lord Cromer pithily stated: "Islam reformed is Islam no longer." Some people think that reform is out of place in Islamic law. The doctrine of *taqlid* seems to grip Islamic jurisprudence. The Munir Commission in Pakistan, for example, was told by the President of the Jamat-al-Ulema that there was no need for reform because there was no question for which an appropriate answer could not be found in the Koran and *Hadis*. This may be true if analogy is stretched beyond breaking point. One is reminded of the questions put by the Prophet to the Chief Justice designate of Yemen. On the whole it appears that our neighbours are overborne by the doctrine of *Taqlid* and the closure of the door to *ijtihad*. The findings of the Commission on Family Law unfortunately did not obtain a willing response. On the other hand the Zakat Commission, which sought to turn voluntary *Zakat* into a tax found a readier audience.

Fortunately the desire for reform has proved stronger than the resistance to it. Opposition to *Taqlid* and incitement to individual *ijtihad* has been the chief motivating force. Even in the 13th century Ibn Taymiyya (d. 1283 A.D.), a Hanbali scholar claimed the right to individual *ijtihad*. Mohammad Abduh, an Egyptian reformer (1849-1950) and his master Jamaluddin al-Afghani (1839-1897) opposed *taqlid* and claimed to investigate the source of law and to think for themselves. Mohammad Abduh went to great troubles to find out if the Koran itself manifested the possibility of reinterpretation. In India Ameer Ali and Iqbal opposed *taqlid* and claimed the right of independent thinking. Like Mohammad Abduh, Iqbal searched for a text to support his *neo-ijtihad* and relied upon sura 29.69 "those who exert themselves in Our paths We will surely guide." Ameer Ali saw in Islam "great promise of development", and held it to be "in conformity with the progressive demands of humanity". He bewailed that the "stagnation" was "principally due to the notion... that the right to the exercise of private judgment ceased with the early legists that its exercise in modern times was sinful, and that a Muslim in order to be regarded as an orthodox follower of Muhammad should belong to one or other of the schools established by the schoolmen of Islam and abandon his judgment absolutely to the interpretations of men who lived in the 9th century and could have no conception of the necessities of the 20th." He advised the breaking of these shackles and trusting to reason. But the Report of the Pakistan Commission on Marriage and Family Law (1956) which relied on *qiyas*, had a cold reception.

The attempts to codify Islamic law have been many. Only a few can be mentioned here. In 1875 Kadri Pasha prepared a draft code for Egypt. It dealt with the Hanafi Law of Family and Inheritance but it was not enacted as law. It was published in 1916 by order of the Ministry and, although a draft, it has had great influence. In Tunisia D. Santillana produced a draft code (1899). A part of it was enacted but this dealt with the law of obligations. The part dealing with the law of the family was never made into law. In 1906 the Algerian Government commissioned Marcel Morand to prepare a draft code for the Muslims and he published his draft in 1916. It also never became law although it has had



considerable influence on later legislation because it attempted to temper the Maliki school with Hanafi doctrines. A similar attempt in 1947 in Tunisia also failed. The Grand Mufti, who was also the Minister of Justice (Maliki), appointed a Commission to attempt to combine Hanafi and Maliki doctrines. A full scale attempt to codify, with amendments, the body of Islamic Law has thus been found to be unsuccessful.

Fortunately other methods are followed to get over the rigidity of Islamic doctrines at least on the periphery of the *sharia* principles. The doctrine of *Siyasa shariyya* (not in the sense of legal punishment) has been invoked. This doctrine, while requiring that government must be based on *sharia* which has a Divine source, leaves room for regulatory measures in the interest of public and good government. The government still remains according to *sharia* but there is scope for moderate reforms, particularly of a procedural kind. A second method is the application of the doctrine of *Takhayyur* or selection. By its application it is possible to choose principles which most accord with public interest and good government. The choice may be confined to one school or in spite of *talfik* involved, may range over different schools. The third method is liberal interpretation by the courts of a *non-adamant* rule. Two or three instances have occurred where the Supreme Courts of India and Pakistan have mitigated the rigour of an otherwise harsh rule.\* Lastly there is direct legislation on a particular topic.

The invocation of the right of the Ruler, Sovereign or Government (call it what you will) to take public good into account, to change an established rule, is not new. It was practised by the *Khulafai-Rashidin*. Dr. Khursheed Ahmed Farooq (Head of Arabic, Delhi University) writing in the *Burhan*, Delhi affirms that the *Khulfa Rashidin* themselves relied strongly upon *Ijtihad* and put it above others in dealing with exceptional cases. He cites numerous examples. Changes in *hadd* (limit of punishment) were made from time to time as a part of public policy. Thus in the time of the Prophet the punishment of *sharb* (drinking) was not a fixed one. The Prophet used to have the person flogged but used to stop the punishment when he considered it to be sufficiently deterrent. In the time of Abu Bakr the limit was placed at 40 lashes and this would have created a limit by *amal* but Omar increased it to 80 lashes, as drinking was on the increase. Again the Prophet did not order compensation against a bailee who had lost the bailed article by theft, without any neglect on his part, but Omar ordered such compensation because the bailees began to take advantage of this rule.

Islamic countries have, by and large, already faced reform of penal laws, laws of evidence, obligations and status. In India also the Islamic Law of Evidence, Crimes, Sales, Obligations does not obtain. Some of the pure doctrines of Islamic Law have also been watered down by judicial dicta. For example, inroads into pure rules of Islamic Law have been made by strictly limiting the doctrine of *Mushaa*. One such way is to extend the meaning of 'indivisible property' to include within it property capable of division but which is likely to lose in value by division. Similarly the doctrine of retention of property in lieu of dower available to the widow has progressed from a personal right of the widow into a heritable right. By the first the validity of some gifts in the present day complicated society has been ensured and by the second the position of minor and helpless children has been made better than that of an unsecured creditor. One of the most significant change by legislation is the abolition or modification of *wakfs*. In the law of status also a new period of gestation of which courts can take notice has been legislatively fixed. Indirectly this has led to the refixing of the period of *iddat* (time of waiting) on divorce. The minimum age of marriage has been fixed in some countries; some have abolished

\* See Preface to Sixteenth Edition p. v.



or restrained polygamy. Divorce has been subject to restraints when proceeding from the husband and additional rights have been conferred on the wife. In some places the law relating to inheritance and legacies has been changed. In making these changes note has been taken of *ijmaa*, which had established different rules for different school but there has been considerable picking and choosing and even the injunction against *talfik* has not deterred the mixing up of ideas. These efforts show that government and courts have not found themselves powerless to make reforms. A few illustrations may now be given.

As early as 1877 the Turks had framed the Ottoman Civil Code which is known as the *Mejelle-i-Ahkami-addliyya*). The *Mejelle* had great influence on the laws of other Muslim countries. In this code, laws unifying the Hanafi doctrines were sought to be evolved. In 1915 and particularly in the Law of Family Rights of 1917 a further advance was made. An attempt at reform was made by incorporating in Hanafi Law, doctrines derived from Malik and Hanbali schools. For example on the bases of divorce at the instance of wife were included cruelty, disease and desertion, which were doctrines of Maliki and Hanbali schools. Later legislation showed even greater advance in as much as the doctrines of jurists not belonging to any of the four schools were freely used. Thus were fixed the minimum age for marriage and the maximum period of gestation of which the court would take notice. Although Hanafi Law regarded 2 years as a possible period of gestation, the new law laid down 1 year as the limit. Although the *mejelle* was repealed in 1926, it has done a great deal for reform in other countries.

In Egypt the Law of Evidence was radically altered. Here too the Islamic rules about the duration of gestation were discarded. Proof of legitimacy was made to depend on proof of access which was made possible even if the child was born six months after marriage. The power of the *Kazis* was reduced and the procedure for the observance of *sharia* courts was laid down.

Similar reforms in the law relating to the family have taken place in Algeria, Tunisia, Morocco, Syria, Jordan, Sudan and many African countries. The Pakistan Family Law Ordinance also furnishes an example of reform based on the exercise of *siyasa* powers: In some of these countries polygamy has been directly or indirectly prohibited. Divorce by the husband has been made difficult while it has been made possible for the wife to obtain dissolution of her marriage on certain grounds. In India and Pakistan the Dissolution of Marriages Act achieves this. The Pakistan Family Law Ordinance furnishes an example of reform based on the exercise of the powers of the State. In addition registration of marriages has been made obligatory for certain purposes and in most countries wakfs (private or public) have been either abolished or severely restricted. Private wakfs cannot go beyond two generations in some cases. In some places the rules of inheritance and legacies have been liberalised.

It is not possible in an introduction to do more than give the broad lines on which reforms have so far proceeded. It is, however, amply clear that reform is not impossible. If the injunctions of the Koran and *Hadis* are not lost sight of, it is possible to make changes by legislation in a widening area. The latter-day writers like Ameer Ali, Iqbal and reformers like Muhammad Abduh maintained the possibility of reform. The lead is coming from Muslim countries and it is to be hoped that in course of time the same measures will be introduced in India also.



## SOME BOOKS TO READ ON THE SUBJECT

- (1) The Spirit of Islam by Ameer Ali (Christophers)
- (2) The Caliphate by Sir Thomas Arnold (Oxford).
- (3) The Legacy of Islam (Law and Society) by Sir T. Arnold (Oxford).
- (4) Muhammad the Prophet by Maulana Muhammad Ali (Ahmaddiya Press, Lahore).
- (5) Al-Farooq (Life of Omar the Great) by Shibli Naumani Tr. Maulana Zafar Ali Khan (Md. Ashraf, Lahore).
- (6) The Wisdom of the Quran (Selected Verses) by Mohmud Muhtar-Katircioglu (Tr. J. Nash) (Oxford).
- (7) Introduction to Islamic Law; by J. Schacht (Oxford).
- (8) Origins of Muhammadan Jurisprudence; by J. Schacht (Oxford).
- (9) Changing Law in Developing Countries; Ed. J. N. D. Anderson (George, Allen & Unwin).
- (10) Islamic Law in Africa; by J. N. D. Anderson (H.M.S.O.)
- (11) Islamic Law in the Modern World; by J. N. D. Anderson (London).
- (12) A Modern Approach to Islam; by A. A. A. Fyzee (Asia).
- (13) Law in the Middle East Vol. 1; by Kadduri and Liebensy (Middle East Institute).
- (14) Islamic Jurisprudence in the Modern World; by A. A. Qadri (Tripathi).
- (15) A History of Islamic Law (Vol. 2 in the Islamic Surveys); by N. J. Coulson (Edinburgh).
- (16) Counsels in Contemporary Islam (Vol. 3 in Islamic Surveys); by K. Cragg (Edinburgh).
- (17) O'Leary: History of the Fatimid Khalifate.
- (18) *Al-Hadis*: English translation of Mishkatul Masabih; by Al- Haj Maulana Fazlul Karim. (Bilingual) (Book Agency 95 Baitak Khana Road, Calcutta).
- (19) Family Law Reforms in the Muslim World; Ed: Tahir Mahmood, (Tripathi).
- (20) Family Law and Social Change; Ed: Tahir Mahmood, (Tripathi).
- (21) Islamic Law in Modern India.
- (22) Conflicts and Tension in Islamic Jurisprudence, (N. J. Coulson).
- (23) An Indian Civil Code and Islamic Law, (Tripathi).
- (24) Islam and the Modern Age, Vol. V (Proceedings of the International Seminar on Religion-Morality-Law, 1973).

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