

SCHOOLS OF MUSLIM LAW

Introduction:-----

The Muslim Law is based on the teachings of the Quran and Prophet Mohammad. In all the circumstances where the explicit command is provided, it is faithfully provided but there have been many areas which are not covered by these sources and as a result, the great scholars had themselves devised their interpretation of what should be done in such a situation.

As these scholars provided their interpretations (Qiyas) regarding the Muslim Law, it led to various opinions among many of them and out such difference, different schools of Muslim Law originated. Each school has its own explanation and reasons for their interpretation and it often leads to conflict in judgments.

In the absence of express rules, it cannot be said that one school is better or higher positioned than other school and thus all the schools have been accepted as valid and if a person follows any of these schools, he is considered to be on the right path.

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***Schools under Muslim Law In Islam*,**

the people have been divided into two sects having different views regarding certain aspects of Islam. Thus, the schools of Muslim law can be broadly classified into two categories:

Sunni Schools

Shia Schools

Sunni Schools

In Sunni sect, there are four major schools of Muslim law which are as follows;

A. *Hanafi School*

Hanafi School is the first and the most popular schools in Muslim law. Before being named Hanafi, this school was known as Koofa School which was based on the name of the city of Koofa in Iraq. Later, this school was renamed as Hanafi School based on the name of its founder Abu Hanafee.

The Prophet had not allowed his words and traditions from being written, the Hanafi School relied on the customs and decisions of the Muslim community. Thus, Hanafi School codified the precedent which in prevalence during that time among the Muslim community.

The founder of this school Abu Hanafee had not written any book for laying down the rules of this school and therefore this school had grown through his two disciples- Imam Muhammed and Imam Abu Yousuf. Both of them gave to the Juristic preference (Isthi Hasan) and codified the Ijma's of that period.

This school became widely spread in various territories, as a result, the majority of Muslims in countries such as India, Pakistan, Syria, and Turkey belong to Hanafi School. In India, since the majority of Muslims are from Hanafi School, the Courts decide the case of a Sunni Muslim as per the Hanafi School unless it is specified that they belong to other schools.

In Hanafi School, Hedaya is the most important and authoritative book which was created over a period of 13 years by Ali bin Abu Baker al Marghinani. This book provides laws on various aspects except for the law of inheritance. Lord Warren Hasting tries to translate the Hedaya to English. He appointed many Muslim Scholars to translate the book.

But the Sirajiyya is considered as the authoritative book of the Hanafi Law of Inheritance. The book is written by the Sheikh Sirajddin, and the first English translation is written by Sir William Jones.

B. *Maliki School*

This school gets its name from Malik-bin-Anas, he was the Mufti of Madeena. During his period the Khoofa was considered as the capital of Muslim Khaleefa where Imam Abu Haneefa and his disciples flourished with Hanafi Schools. He discovered about 8000 traditions of Prophet but complied only about 2000 of them. When the disciples of Imam Abu Haneefa codified their law based on Ijma'a and Isthihsan.

The maliki school gives the importance to the Sunna and Hadis whereas the Hanafi school gives the importance to the people and Isthihsan. As per Maliki School and Law, they rarely accept the Ijma'a. As per the Law, the person gave Fatwa challenging the sovereign authority of Khaleefa, he faced enmity and of lack of support from Muslim governments. Thus, this Maliki school did not get much popularity.

In India, there are no followers of this school but when the Dissolution of Muslim marriage act 1939 came in the picture, some of the laws and provision of this school was taken in account as they are giving more rights to the women than any other school. In Hanafi School, if the women not get any news of her husband, she has to wait till 7 years for Dissolution of the marriage, whereas in Maliki School the women have to wait 2 years for Dissolution of the Marriage.

Mu-atha of Imam Malik is considered as the most authoritative book of the Maliki School. This book is also the first book written on the Hadis in Islam and this book is considered as the authority over all Muslims in the World.

C. *Shaffie School*

The Shaffie School gets its name on the name of Muhammad bin Idris Shaffie, his period was between 767 AD to 820 AD. He was the student of Imam Malik of Madeena. Then he started working with the disciples of Imam Abu Haneefa and went to Khoofa.

He conclude the idea's and the theories of Hanafi School and Maliki School in a friendly manner. The Imam Shaffie was considered as one of the greatest jurist of Islam. He created the classical theory of the Shaffie Islamic Jurisprudence.

According to this school, they considered Ijma'a as the important source of the Muslim law and provide validity to the customs of the Islamic people and follows more methods of Hanafi School. the main contribution of Shaffie School is the Quiyas or Analogy.

The Al-Risala of Imam Shaffie was considered as the only authoritative book of Islamic Jurisprudence. In that book they discuss and interpret the Ijma'a (Consensus), Quiyas (Analogy), Ijthihad (Personal reasoning) Isthihsan (Juristic preference) and Ikhthilaf (Disagreement) in separate chapter in his book Risala. His other book Al-Umm is the authority on Fiqh (science of way of life).

The followers of Shafie School are spread in Egypt, Southern Arabia, South East Asia, Indonesia and Malaysia.

D. *Hanbali School*

The Ahmad bin Hanbal is the founder of the Hanbali School. He found the Hanbali school in 241 (AD 855). He is the disciple of Imam Shaffie and supports Hadis. He strongly opposed the Ijthihad methods. He introduced the theory of tracing the root of Sunna and Hadis and try to get the answer all his question. His theory was to return to the Sunna of the Prophet. When the Imam Shafie left for Baghdad, he declared that the Ahmad bin Hanbal was the only one after him who is the better jurist after him. The followers of Hanbali school found in Syria, Phalastine and Saudi Arabia.

Shia Schools

As per Shia Sect, there are three schools of law. Shia Sect is considered as the minority in the Muslim world. They enjoy the political power only in Iran though they don't have the majority in that state also.

A. *Ithna-Asharis*

These schools are based on the following of Ithna-Ashari laws. The followers of these schools are mostly found in Iraq and Iran. In India also there is the majority of the shiamuslim who follows the principles of the Ithna-Asharis School. They are considered political quietists. This school is considered as the most dominant school of the shiamuslims. the ja'farifiqh of the shias in most cases indistinguishable from one or more of the four sunnimadhahib, except mutah is considered as the lawful marriage. The people who follow the IthnaAsharis school believe that the last of the Imams disappeared and to be returning as Mehdi(Messiah).

B. *The Ismailis*

According to Ismailis school, in India there are two groups, the Khojas or Western Ismailis represents the followers of the present Aga Khan, who they considered as the 49th Imam in this line of Prophet, and the Bohoras i.e. the Western Ismailis are divided into Daudis and Sulaymanis.

The Bohoras and Khojas of Mumbai are considered as the followers of this school. It is considered that the follower of these schools has special knowledge of religious doctrine.

C. *Zaidy*

The followers of this school are not found in India but are maximum in number in South Arabia. This sect. of the shia school is the most dominant among all in Yemen. The followers of these schools are considered as political activism. They often reject the twelvershia school philosophies.

Other schools

Besides the schools under Shia and Sunni sects, there are some other schools which are also present which are:

Ibadi School

Ibadi is a school which belongs neither to the Shia nor Sunni sect and this school claim that its history traces back to the times of 4th Khaleefa Ali. The Ibadi school gives more preference to the Quran and they do not give the Sunna much importance. This school has its followers in Oman. One of the most important points about this school is that besides the Quran, it has provided principal consideration to Ijtihad

(personal reasoning) which has been partially accepted by the Sunnis and has been completely rejected by the Shias.

Ahmadiya School

The followers of Ahmadiya school claim to be Muslims but they do not follow Prophet Muhammed. This school has a recent origin and they are followers of one Ahmed who was alive in the 19th century.

This school is said to have a British-Indian origin and Mirza Ghulam Khadiani is the founder of this school, who served the British Government. Even though this school claims to be a follower of Islam, none of the Muslim Government has accepted them as Muslims because they believe this school's faith is completely against the faith of Muslims.

The Khadiyan village which is situated in Punjab in India is said to be the birthplace of Ahmed and thus it is their holy place and the followers are also known as Kadhiyani. There is no authoritative book of this school and because its origin is also recent, it has no recognition by the other authoritative books of Islam.

There are many differences between the Ahmadiya School and Muslims therefore, they are not regarded as part of Islam. The major points of difference between them are as follows:

The Muslims believe that Prophet Mohammad was the Messenger of God on Earth and he was the last Prophet who had spoken with God. Thus, his teachings are an important part of the lives of Muslims but the Ahmadiyas believe that God still communicates with his holy servants even after Prophet Mohammad.

The Ahmadiyans claim that the list of Prophets before Mohammad includes Buddha, Krishna, Zoroaster and Ramchandra and they claim it is according to the Quran but the non-Ahmadiyans do not accept such claims and refuse to acknowledge them as Prophets.

Unlike the Muslims, the Ahmadiyans do not accept the claim of the Sultan of Turkey as the Caliphate and they claim that every Muslim person should remain loyal to the Government of their country.

While Muslims believe that Mahdi will have a holy war or Jihad and Islam will be spread by the sword, the Ahmadiyas believe that it will be spread by arguments and heavenly signs and not through violence.

***Conclusion*:**---

Muslim law is governed by the teachings of the Quran and the Prophet Mohammad. There have been many different schools which follow their own interpretations of these teachings on points on which the Quran is silent. While the major schools of Muslims can be divided under the two sects of Shia schools and Sunni schools, even the schools under these sects have been further divided into various schools.

Each school has its own beliefs and practices and because there is no set rule regarding the matters on which the Quran is silent, one school cannot be said to be better positioned than the other schools and thus even though there are many schools in Muslim law, they all lead to one path. Thus, the teachings of these schools can be compared to different paths which all lead to the same destination.

Schools of Muslim law मुस्लिम विधि की विचारधाराएं

Schools of Muslim law मुस्लिम विधि की विचारधाराएं

पैगंबर मोहम्मद इस्लामी राष्ट्रमंडल के सर्वे सर्वा थे वह कानून संबंधित विषयों के सर्वोच्च प्राधिकारी भी थे उनके देहांत के बाद तत्कालीन समस्या उनके उत्तराधिकार को प्राप्त होने लगी थी।

पैगंबर मोहम्मद साहब का उत्तराधिकारी किसे माना जाए इस प्रश्न को हल करने के लिए मुस्लिम विधि दो विचारधाराओं में विभाजित हो गई।

सुन्नी स्कूल तथा शिया स्कूल

A) सुन्नी विचारधाराएं (Sunni Schools) →

✦ खलीफा के पद को निर्वाचन द्वारा भरने के समर्थक "सुन्नी" कहलाए, और इन्होंने अबूबकर को अपना प्रथम खलीफा चुना।

✦ भारत में अधिकांश मुसलमान सुन्नी संप्रदाय के हैं।

सुन्नी विचारधाराएं की चार उप विचारधाराएं हैं -

- 1) हनफी विचारधाराएं (The Hanafi School)
- 2) मालिकी की विचारधाराएं (The Maliki School))
- 3) शफी विचारधाराएं (The Shafie School)
- 4) हनबली विचारधाराएं (The Hanbali School)

1) हनफी विचारधाराएं (The Hanafi School)→

- ✦ यह मुस्लिम विधि की पहली और सबसे प्रसिद्ध विचारधारा है।
- ✦ पहले यह कूफ़ा स्कूल के नाम से जाना जाता था।
- ✦ इसके बाद इस स्कूल के संस्थापक 'अबू हनीफा' के नाम पर इस स्कूल का नाम 'हनफी स्कूल' हो गया।
- ✦ अबू हनीफा पहले मुस्लिम ज्यूरिस्ट थे जिन्होंने मुस्लिम विधि को पूरे विश्व में फैलाने के लिए अपने शिष्यों को प्रेरित किया तथा अपनी थ्योरी का आधार कुरान व हदीस को बताया।
- ✦ अबू हनीफा ने कयास को मुस्लिम विधि के स्रोत के रूप में मान्यता प्रदान की।
- ✦ अबू हनीफा ने 'फ़क्क अकबर' नामक पुस्तक लिखी।
- ✦ अबू हनीफा के दो शिष्य थे, इमाम मोहम्मद और इमाम अबू युसूफ इन दोनों ने हनफी स्कूल का विकास किया।

2) मालिकी की विचारधाराएं (The Maliki School)→

- ✦ यह नाम मदीना के मुफ्ती 'अश मलिक' के नाम पर रखा गया।
- ✦ यह मुस्लिम धर्म के प्रमुख वरिष्ठ थे।
- ✦ इन्होंने कुरान व हदीस को अपने सिद्धांत का आधार बताया।
- ✦ संप्रदाय में भी कयास को विधि का महत्वपूर्ण स्रोत माना।
- ✦ अश मलिक ने सबसे प्राचीन ग्रंथ 'किताबें मुक्ता' की रचना की जो की हदीस की Most authoritative book थी।
- ✦ भारत में मालिकी स्कूल के followers नहीं पाए जाते हैं।

B) शिया विचारधाराएँ (Shia Schools) →

✦ मुहम्मद साहब के वंशजों को उत्तराधिकार के आधार पर खलीफा नियुक्त करने वाले मुसलमान, शिया सम्प्रदाय कहलाये।

✦ इस समुदाय ने अली को अपना प्रथम खलीफा माना।

✦ इस सम्प्रदाय में प्रमुख रूप से तीन विचार पद्धतियाँ मान्य थी –

(a)- अथना-अशारिया विचारधारा (The Athna-Asharia School) – इस सम्प्रदाय को मानने वाले मुहम्मद साहब के जो बारह इमाम हुए उनके अनुयायी हैं। ये कट्टर मुसलमान और कुरान को महत्व देते हैं।

(b)- इस्माइलिया विचारधारा (The Ismailia School) – इस सम्प्रदाय को मानने वाले सातवें इमाम इस्माइल को अपना प्रणेता मानते थे इनको सप्त-इमामी सम्प्रदाय भी कहा जाता है।

(c)- जैदिया विचारधारा (The Zaidi School) – इस सम्प्रदाय के संस्थापक चौथे इमाम जैद थे। ये शिया और सुन्नीदोनों के धर्मावलम्बी हैं, और मूलतः यमन में पाए जाते हैं।