**Sharīʿah**

The religious law of Islam is seen as the expression of God’s command for Muslims and, in application, [constitutes](https://www.merriam-webster.com/dictionary/constitutes) a system of duties that are incumbent upon all Muslims by virtue of their religious belief. Known as the Sharīʿah (literally, “the path leading to the watering place”), the law represents a divinely ordained path of conduct that guides Muslims toward a practical expression of religious [conviction](https://www.merriam-webster.com/dictionary/conviction) in this world and the goal of divine favour in the world to come.

**Nature and significance of Islamic law:**

In classical form, the Sharīʿah differs from Western systems of law in two principal respects. In the first place, the scope of the Sharīʿah is much wider, since it regulates the individual’s relationship not only with neighbours and with the state, which is the limit of most other legal systems, but also with God and with the individual’s own [conscience](https://www.merriam-webster.com/dictionary/conscience). Ritual practices—such as the daily prayers (*[ṣalāt](https://www.britannica.com/topic/salat)*), almsgiving (*[zakāt](https://www.britannica.com/topic/zakat-Islamic-tax)*), fasting (*[ṣawm](https://www.britannica.com/topic/sawm)*), and [pilgrimage](https://www.britannica.com/topic/pilgrimage-religion) ([hajj](https://www.britannica.com/topic/hajj))—are an [integral](https://www.merriam-webster.com/dictionary/integral) part of Sharīʿah law and usually occupy the first chapters in legal manuals. The Sharīʿah is concerned as much with [ethical](https://www.merriam-webster.com/dictionary/ethical) standards as with legal rules, indicating not only what an individual is entitled or bound to do in law but also what one ought, in conscience, to do or to refrain from doing. Accordingly, certain acts are classified as praiseworthy (*mandūb*), which means that their performance brings divine favour and their omission divine disfavour, and others as blameworthy (*makrūh*), which has the opposite [implications](https://www.merriam-webster.com/dictionary/implications). However, in neither case is there any legal sanction of punishment or reward, nullity or validity. The Sharīʿah is thus not merely a system of law but also a [comprehensive](https://www.merriam-webster.com/dictionary/comprehensive) code of behaviour that embraces both private and public activities.

The second major distinction between the Sharīʿah and Western legal systems is a consequence of the Islamic concept of the law as the expression of the divine will. With the death of the Prophet [Muhammad](https://www.britannica.com/biography/Muhammad) in 632, direct communication of the divine will to human beings ceased, and the terms of the divine [revelation](https://www.britannica.com/topic/revelation) were henceforth fixed and immutable. The overall image of the Sharīʿah is thus one of unchanging [continuity](https://www.merriam-webster.com/dictionary/continuity), an impression that generally holds true for some areas of the law, such as [ritual](https://www.britannica.com/topic/ritual) law. However, revelation can be interpreted in varying ways, and, over time, the [diversity](https://www.merriam-webster.com/dictionary/diversity) of possible interpretations has produced a wide array of positions on almost every point of law. In the premodern period, the *[ʿulamāʾ](https://www.britannica.com/topic/ulama)* (Muslim religious scholars) held a monopoly over interpretation of the law, but, since the 19th century, their monopoly has been challenged by Westernized elites and laypeople. The question of which interpretations become normative at any given time is complex. Early Western studies of Islamic law held the view that while Islamic law shaped Muslim societies, the latter had no influence on Islamic law in return. However, this position has become [untenable](https://www.merriam-webster.com/dictionary/untenable). Social pressures and communal interests have played an important role in determining the practice of Islamic law in particular contexts—both in the premodern period and to an even greater extent in the modern era.

**Historical development of Sharīʿah law:**

For the first Muslim [community](https://www.merriam-webster.com/dictionary/community), established under the leadership of the Prophet Muhammad at [Medina](https://www.britannica.com/place/Medina-Saudi-Arabia) in 622, the Qurʾānic revelations laid down basic standards of conduct. But the [Qurʾān](https://www.britannica.com/topic/Quran) is in no sense a comprehensive legal code: only about 10 percent of its verses deal with legal issues. During his lifetime, Muhammad, as the supreme [judge](https://www.britannica.com/topic/judge-law) of the community, resolved legal problems as they arose by interpreting and expanding the general provisions of the Qurʾān, thereby establishing a legal tradition that was to continue after his death. With the rapid expansion of the Islamic realm under Muhammad’s political successors, the Muslim polity became administratively more complex and came into contact with the laws and institutions of the lands that the Muslims conquered. With the appointment of judges, or [qadis](https://www.britannica.com/topic/qadi), to the various provinces and districts, an organized [judiciary](https://www.britannica.com/topic/judiciary) came into being. The qadis were responsible for giving effect to a growing corpus of administrative and fiscal law, and they pragmatically adopted elements and institutions of [Roman](https://www.britannica.com/topic/Roman-law)-Byzantine and Persian-Sasanian law into Islamic legal practice in the conquered territories. Depending on the discretion of the individual [qadi](https://www.britannica.com/topic/qadi), judicial decisions were based on the rules of the Qurʾān where these were relevant, but the sharp focus in which the Qurʾānic laws were held in the Medinan period was lost with the expanding horizons of activity.

Muslim [jurisprudence](https://www.britannica.com/science/jurisprudence), the science of [ascertaining](https://www.merriam-webster.com/dictionary/ascertaining) the precise terms of the Sharīʿah, is known as *[fiqh](https://www.britannica.com/topic/fiqh)* (literally, “understanding”). Beginning in the second half of the 8th century, oral transmission and development of this science gave way to a written legal literature devoted to exploring the substance of the law and the proper [methodology](https://www.merriam-webster.com/dictionary/methodology) for its derivation and justification. Throughout the [medieval](https://www.merriam-webster.com/dictionary/medieval) period, the basic doctrine was elaborated and systematized in a large number of commentaries, and the voluminous literature thus produced constitutes the traditional textual authority of Sharīʿah law.

**Development of different schools of law**

Different regions within the Islamic [empire](https://www.britannica.com/topic/empire-political-science) developed divergent regional legal traditions, which were reproduced in study circles, or *ḥalqah* (so named because the teacher was, as a rule, seated on a dais or cushion with the pupils gathered in a semicircle before him). The most active study circles were found in the [Hejaz](https://www.britannica.com/place/Hejaz) (a region on the west coast of the Arabian Peninsula) and [Iraq](https://www.britannica.com/place/Iraq), although those in [Syria](https://www.britannica.com/place/Syria) and [Egypt](https://www.britannica.com/place/Egypt) also played a role. With the emergence of written legal [culture](https://www.merriam-webster.com/dictionary/culture), the regional traditions faced a need to justify their doctrines in a systematic way and to engage with traditions from other regions. Encased in books, the doctrines of the regional schools became mobile and could be spread beyond their original locations. As a result, the locus of school identity shifted from places to the individuals responsible for their elaboration and codification. In particular, the school of [Medina](https://www.britannica.com/place/Medina-Saudi-Arabia) became associated with [Mālik ibn Anas](https://www.britannica.com/biography/Malik-ibn-Anas) (died 795), Medina’s most prominent jurist in the late 8th century, and came to be known as the [Mālikī](https://www.britannica.com/topic/Maliki-school) school, and the school of [Kūfah](https://www.britannica.com/place/Kufah) turned into the [Ḥanafī](https://www.britannica.com/topic/Hanafiyah) school, named after its greatest jurist, Mālik’s contemporary [Abū Ḥanīfah](https://www.britannica.com/biography/Abu-Hanifah) (died 767).

These legal schools with regional roots had to contend with another 8th-century development: the systematic collection of reports concerning the sayings and actions attributed to the Prophet Muhammad ([Hadith](https://www.britannica.com/topic/Hadith)). The regional schools had already made use of such traditions, but their wide-scale collection and dissemination meant that the schools were confronted with hitherto unknown prophetic traditions that contradicted their established positions. Generally speaking, the Mālikīs and the Ḥanafīs gave greater weight to their regional traditions in resolving this tension, whereas two school-founding jurists of the subsequent generation, [Muḥammad ibn Idrīs al-Shāfiʿī](https://www.britannica.com/biography/Abu-Abd-Allah-ash-Shafii) (died 820) and [Aḥmad ibn Ḥanbal](https://www.britannica.com/biography/Ahmad-ibn-Hanbal) (died 855), sought to [transcend](https://www.merriam-webster.com/dictionary/transcend) localism by granting priority to authentic traditions. Ibn Ḥanbal drew on both prophetic traditions and the opinions of early Muslim jurists throughout Muslim lands. Al-Shāfiʿī, by contrast, rejected the [putative](https://www.merriam-webster.com/dictionary/putative) precedential authority of regional legal traditions and of the early jurists in general. Instead, he proposed a system in which the [Qurʾān](https://www.britannica.com/topic/Quran) and the Prophetic example ([Sunnah](https://www.britannica.com/topic/Sunnah)) were the only [authoritative](https://www.merriam-webster.com/dictionary/authoritative) sources of law and then developed a toolkit of methods for systematically deriving legal rules from the sources and extending these rules to areas not directly covered by the sacred texts. A prominent element of this toolkit was analogical reasoning (*[qiyās](https://www.britannica.com/topic/qiyas)*).

Al-Shāfiʿī’s insistence on the importance of the Sunnah as a source of law prompted great activity in the collection and classification of Hadith reports, particularly among his own supporters, who formed the [Shāfiʿī](https://www.britannica.com/topic/Shafiiyah) school, and the followers of Ibn Ḥanbal, who formed the [Ḥanbalī school](https://www.britannica.com/topic/Hanabilah). Muslim scholarship maintained that the classical [compilations](https://www.merriam-webster.com/dictionary/compilations) of Hadith—especially those of [al-Bukhārī](https://www.britannica.com/biography/al-Bukhari) (died 870) and [Muslim](https://www.britannica.com/biography/Muslim-ibn-al-Hajjaj) (died 875)—constituted an authentic record of the Prophet’s precedents. However, Western Orientalists have traditionally been skeptical of the [attribution](https://www.merriam-webster.com/dictionary/attribution) of most [alleged](https://www.merriam-webster.com/dictionary/alleged) Prophetic hadiths, arguing that they represent the views of later scholars fictitiously ascribed to the Prophet to give doctrines greater authority.

**Later developments**

Al-Shāfiʿī’s thesis formed the basis of the classical theory of the roots of [jurisprudence](https://www.britannica.com/science/jurisprudence) (*uṣūl al-fiqh*), which crystallized in the early 10th century. Juristic “effort” to comprehend the terms of the Sharīʿah is known as *[ijtihād](https://www.britannica.com/topic/ijtihad)*, and legal theory charts the course that *ijtihād* must follow. In seeking the answer to a legal problem, the jurist must first consult the Qurʾān and Hadith. If no specific solution can be discovered in divine revelation, the jurist must employ [analogy](https://www.merriam-webster.com/dictionary/analogy) (*qiyās*) or certain subsidiary principles of reasoning, such as *[istiḥsān](https://www.britannica.com/topic/istihsan)* (juristic discretion) and *[istiṣlāh](https://www.britannica.com/topic/istislah)* (consideration of welfare). As an attempt to define God’s law, the *ijtihād* of individual scholars can result only in a tentative conclusion, termed *ẓann* (“conjecture”), which is contrasted with the ideal of certain (*yaqīn*) knowledge.

Sharīʿah law is a candidly pluralistic system, the philosophy of the equal authority of the different schools being expressed in a putative dictum of the Prophet: “Difference of opinion among my [community](https://www.merriam-webster.com/dictionary/community) is a sign of God’s bounty.” Outside the four schools of [Sunni](https://www.britannica.com/topic/Sunni) [Islam](https://www.britannica.com/topic/Islam) stand the minority groups of the [Shiʿah](https://www.britannica.com/topic/Shii) and the Ibāḍīs, whose versions of the Sharīʿah differ considerably from those of the Sunnis. Shiʿi law, in particular, grew out of a fundamentally different politico-religious system, in which the rulers, or [imams](https://www.britannica.com/topic/imam), were held to be divinely inspired and therefore the spokesmen of the Lawgiver himself. Geographically, the division between the various schools and sects became fairly well defined as qadis’ courts in different areas became wedded to the doctrine of one particular school. Thus, Ḥanafī law came to predominate in the [Middle East](https://www.britannica.com/place/Middle-East) and the Indian subcontinent; Mālikī law in North, West, and Central Africa; Shāfiʿī law in [East Africa](https://www.britannica.com/place/eastern-Africa), the southern parts of the [Arabian Peninsula](https://www.britannica.com/place/Arabia-peninsula-Asia), [Malaysia](https://www.britannica.com/place/Malaysia), and [Indonesia](https://www.britannica.com/place/Indonesia); Ḥanbalī law in [Saudi Arabia](https://www.britannica.com/place/Saudi-Arabia); Shiʿi law in [Iran](https://www.britannica.com/place/Iran) and the Shiʿi [communities](https://www.merriam-webster.com/dictionary/communities) of India and East Africa; and Ibāḍī law in[Zanzibar](https://www.britannica.com/place/Zanzibar-island-Tanzania), [Oman](https://www.britannica.com/place/Oman), and parts of [Algeria](https://www.britannica.com/place/Algeria).

Although Sharīʿah doctrine is all-embracing, Islamic legal practice has always recognized jurisdictions other than that of the qadis. Because the qadis’ courts were hidebound by a cumbersome system of [procedure](https://www.britannica.com/topic/procedural-law) and [evidence](https://www.britannica.com/topic/evidence-law), they did not prove a satisfactory organ for the administration of [justice](https://www.britannica.com/topic/justice-social-concept) in all respects, particularly as regards [criminal](https://www.britannica.com/topic/criminal-law), land, and [commercial law](https://www.britannica.com/topic/business-law). Hence, under the broad heading of the sovereign’s administrative power (*siyāsah*), competence in these spheres was often [relegated](https://www.merriam-webster.com/dictionary/relegated) to other courts, known collectively as *maẓālim* courts, and the qadis’ monopoly was confined to private [family](https://www.britannica.com/topic/family-law) and [civil law](https://www.britannica.com/topic/civil-law-Romano-Germanic). As the expression of a religious ideal, Sharīʿah doctrine was always the focal point of legal activity, but it never formed a complete or exclusively authoritative expression of the laws that governed the lives of Muslims in practice.

**The substance of traditional Sharīʿah law**

Sharīʿah duties are broadly divided into those that an individual owes to God (the [ritual](https://www.britannica.com/topic/ritual) practices, or *ʿibādāt*) and those that the individual owes to other human beings (interpersonal matters, or *muʿāmalāt*). Only the latter category of duties, which [constitutes](https://www.merriam-webster.com/dictionary/constitutes) law in the Western sense, is described here.

**Penal law**

Offenses against another person, from [homicide](https://www.britannica.com/topic/homicide) to [assault](https://www.britannica.com/topic/assault-and-battery), are punishable by retaliation (*qiṣāṣ*), the offender being subject to precisely the same treatment as the victim. This type of offense is regarded as a civil injury rather than a crime in the technical sense, since it is not the state but only the victim or the victim’s family who has the right to prosecute and to opt for compensation or [blood money](https://www.britannica.com/topic/blood-money-sociology) (*[diyah](https://www.britannica.com/topic/diyah)*) in place of retaliation.

For a handful of specific crimes, the punishment is fixed (*ḥadd*): death for [apostasy](https://www.britannica.com/topic/apostasy), amputation of the hand for theft and of the hand and foot for highway robbery, death by stoning for extramarital sexual relations (*zinā*) when the offender is married and 100 lashes when the offender is unmarried, and 80 lashes for an unproved accusation of unchastity (*qadhf*) and for the drinking of any intoxicant.

Beyond the *ḥadd* crimes, both the determination of offenses and decisions regarding the punishment meted out for them lie within the discretion of the [executive](https://www.britannica.com/topic/executive-government) or the courts.

**Law of transactions**

A legal capacity to transact belongs to any person “of prudent judgment” (*rāshid*), a quality that is normally deemed to accompany physical maturity or puberty. The [law](https://www.britannica.com/topic/Torah) presumes that (1) boys below the age of 12 and girls below the age of 9 have not attained puberty and (2) by the age of 15 puberty has been attained for both sexes. Persons who are not *rāshid*, on account of minority or [mental deficiency](https://www.britannica.com/topic/insanity), are placed under interdiction: their affairs are managed by a guardian, and they cannot transact effectively without the guardian’s consent.

The basic principles of the law are laid down in the four root transactions: (1) sale (*bayʿ*), transfer of the ownership or corpus of property for a consideration; (2) hire (*ijārah*), transfer of the [usufruct](https://www.britannica.com/topic/usufruct) (right to use) of property for a consideration; (3) gift (*hibah*), [gratuitous](https://www.merriam-webster.com/dictionary/gratuitous) transfer of the corpus of property, and (4) loan (*ʿāriyah*), gratuitous transfer of the usufruct of property. These basic principles are then applied to the various specific transactions of, for example, pledge, deposit, guarantee, agency, assignment, land tenancy, partnership, and charitable foundations (waqf). Waqf is a uniquely Islamic institution in which founders relinquish their ownership of [real property](https://www.britannica.com/topic/real-property) to God and dedicate the income or usufruct of the property in perpetuity to some pious or charitable purpose. This may include settlements in favour of the founder’s own family.

The doctrine of *ribā* significantly influences the Islamic law of transactions. Basically, this is the prohibition of [usury](https://www.britannica.com/topic/usury), but the notion of *ribā* was rigorously extended to cover, and therefore preclude, any form of interest on a capital loan or investment. And since this doctrine was coupled with the general prohibition on gambling transactions, Islamic law does not, in general, permit any kind of speculative transaction the results of which, in terms of the material benefits [accruing](https://www.merriam-webster.com/dictionary/accruing) to the parties, cannot be precisely forecast.

**Family law**

A patriarchal outlook is the basis of the traditional Islamic law of family relationships. Fathers have the right to [contract](https://www.britannica.com/topic/contract-law) their daughters, whether minor or adult, in [marriage](https://www.britannica.com/topic/marriage), but jurists agree that an adult woman who is no longer a virgin must give her explicit consent to a marriage. The question of whether a virgin daughter has the right to object to a marriage contracted for her by her father has been the subject of debate among jurists, given that a widely accepted saying of Muhammad seems to imply this right. Some jurists have held that the daughter’s objection should be taken into account but is not binding, while others have considered such an objection to preclude the marriage. In Ḥanafī and [Shiʿi](https://www.britannica.com/topic/Shii) law, an adult woman may conclude her own marriage contract, but her guardian may have the marriage annulled if his ward has married beneath her [social status](https://www.britannica.com/topic/social-status).

In traditional Islamic [family law](https://www.britannica.com/topic/family-law), husbands have the right of polygamy and may be validly married at the same time to a maximum of four wives. Upon marriage, a husband is obliged to pay his wife a [dower](https://www.britannica.com/topic/dower), the amount of which may be fixed by agreement or by custom. During the marriage, he is bound to maintain and support her, provided that she shows no recalcitrance toward him. A wife who rejects her husband’s [dominion](https://www.britannica.com/topic/dominion-British-Commonwealth) by leaving the family home without just cause forfeits her right to maintenance.

A [divorce](https://www.britannica.com/topic/divorce) may be effected simply by the mutual agreement of the spouses. Such a divorce, known as *khulʿ*, requires the payment of some financial consideration by the wife to the husband for her release—most commonly a return of the dower. In addition, according to all schools except the [Ḥanafī school](https://www.britannica.com/topic/Hanafiyah), a wife may obtain a judicial decree of divorce on the grounds of some matrimonial offense committed by the husband, such as cruelty, desertion, or failure to provide. However, the husband alone has the power to terminate a marriage unilaterally by repudiation (*ṭalāq*) of his wife. *Ṭalāq* is an extrajudicial process: a husband may [repudiate](https://www.merriam-webster.com/dictionary/repudiate) his wife at will, and his motive for doing so is not subject to scrutiny by the [court](https://www.britannica.com/topic/court-law) or any other official body. A repudiation repeated three times [constitutes](https://www.merriam-webster.com/dictionary/constitutes) a final and irrevocable dissolution of the marriage. However, a single pronouncement may be revoked at will by the husband during the wife’s waiting period (*ʿiddah*), which lasts for three months following the repudiation (or any other type of divorce pronouncement) or, if the wife is pregnant, until the birth of the child.

The legal position of children within the family group with regard to guardianship, maintenance, and right of succession depends on their legitimacy. A child is [legitimate](https://www.merriam-webster.com/dictionary/legitimate) if it can be reasonably assumed to have been conceived during the lawful wedlock of the parents. For a legal relationship to exist between a father and his [illegitimate](https://www.merriam-webster.com/dictionary/illegitimate) child, the father must publicly claim the child as his own, but there is always a legal tie between a mother and her illegitimate child. Guardianship of a child (the right to make decisions concerning, e.g., education and marriage) and of the property of minor children belongs to the father or another close male agnate relative. However, the right of custody (*ḥaḍānah*) of young children whose parents are divorced or separated belongs to the mother or another female maternal relative.

**Law of succession**

An individual’s power of testamentary [disposition](https://www.merriam-webster.com/dictionary/disposition) is basically limited to one-third of his or her net estate (i.e., the assets remaining after the payment of funeral expenses and debts). Two-thirds of the estate passes to the legal heirs of the deceased under the compulsory rules of [inheritance](https://www.britannica.com/topic/inheritance-law).

There is a fundamental divergence between the [Sunni](https://www.britannica.com/topic/Sunni) and [Shiʿi](https://www.britannica.com/topic/Shii) schemes of inheritance. Sunni [law](https://www.britannica.com/topic/Torah) is essentially a system of inheritance by male agnate relatives, or *ʿaṣabah*—i.e., relatives who, if they are more than one degree removed from the deceased, trace their connection to the deceased through male links. Among the *ʿaṣabah*, priority is determined by: (1) class, with descendants excluding ascendants, who in turn exclude brothers and their issue, who in turn exclude uncles and their issue; (2) degree, with relatives nearer in degree to the deceased excluding the more remote within each class; and (3) strength of blood ties, with germane, or full-blood, connections excluding consanguine, or half-blood, connections among [collateral](https://www.merriam-webster.com/dictionary/collateral) relatives. This agnatic system is [mitigated](https://www.merriam-webster.com/dictionary/mitigated) by allowing surviving spouses and a limited number of females and nonagnates—daughters; sons’ daughters; mothers; grandmothers; germane, consanguine, and uterine sisters; and uterine brothers—to inherit a fixed fractional portion of the estate in certain circumstances. But the females among these relatives receive only half the share of the male relatives of the same class, degree, and blood tie, and no female excludes from inheritance any male agnate, however remote. No other female or nonagnatic relative has any right of inheritance in the presence of a male agnate. If, for example, the deceased is survived by his wife, his daughter’s son, and a distant agnatic cousin, the wife will be restricted to one-fourth of the inheritance, the grandson will be excluded altogether, and the cousin will inherit three-fourths of the estate.

Shiʿi law rejects the [criterion](https://www.merriam-webster.com/dictionary/criterion) of the agnatic tie and regards both maternal and paternal connections as equally strong grounds of inheritance. In the Shiʿi system, as in Sunni law, the surviving spouse always inherits a fixed portion, but all other relatives, including females and nonagnates, are divided into three classes: (1) parents and lineal descendants; (2) grandparents, brothers and sisters, and their issue; and (3) uncles and aunts and their issue. Any relative of class 1 excludes any relative of class 2, who in turn excludes any relative of class 3. Within each class, the nearer in degree excludes the more remote, and the full-blood excludes the half-blood. While, therefore, a male relative normally takes double the share of the corresponding female relative, females and nonagnates are much more favourably treated in Shiʿi law than they are in Sunni law. In the case mentioned above, the wife would receive one-fourth, but the remaining three-fourths would go to the daughter’s son, or indeed to the daughter’s daughter, and not to the agnatic cousin.

Under Shiʿi law the only restriction upon testamentary power is the one-third rule, whereas Sunni law does not allow any [bequest](https://www.merriam-webster.com/dictionary/bequest) in favour of a legal heir. Under both systems, however, [bequests](https://www.merriam-webster.com/dictionary/bequests) that infringe these rules are not necessarily [void](https://www.britannica.com/topic/emptiness) and ineffective; when testators have acted beyond their powers, the bequests may still be ratified by the legal heirs. Further protection is afforded to the rights of the legal heirs by the doctrine of death sickness. Any gifts made by a dying person in contemplation of his death are subject to precisely the same limitations as bequests and, if they exceed these limits, will be effective only with the consent of the legal heirs.

**Procedure and evidence**

Traditionally, Sharīʿah law was administered by the [court](https://www.britannica.com/topic/court-law) of a single [qadi](https://www.britannica.com/topic/qadi), who was the [judge](https://www.britannica.com/topic/judge-law) of the facts as well as the law, although on difficult legal issues he might seek the advice of a professional jurist or jurisconsult ([mufti](https://www.britannica.com/topic/mufti)). There was no [hierarchy](https://www.merriam-webster.com/dictionary/hierarchy) of courts and no organized system of appeals. Through his clerk (*kātib*), the qadi controlled court procedure, which was normally characterized by a lack of ceremony or sophistication. Legal representation was not unknown, but the parties would usually appear in person and address their pleas orally to the qadi.

The first task of the qadi was to decide which party bore the burden of proof. This was not necessarily the party who brought the suit; rather, it was the party whose [contention](https://www.merriam-webster.com/dictionary/contention) was contrary to the initial legal presumption applying to the case. In the case of an [alleged](https://www.merriam-webster.com/dictionary/alleged) criminal offense, the relevant presumption was the innocence of the accused, and, in a suit for debt, the presumption was that the alleged debtor was free from debt. Hence, the burden of proof would rest upon the prosecution in the first case and upon the claiming creditor in the second. The burden of proof might of course shift between the parties several times during the same suit—for example, when an alleged debtor would plead a counterclaim against the creditor.

The standard of proof required—whether on an initial, intermediate, or final issue—was rigid and basically the same in both criminal and civil cases. In the absence of a [confession](https://www.britannica.com/topic/confession-law) or an admission by the defendant, the plaintiff or [prosecutor](https://www.britannica.com/topic/prosecutor) was required to produce two witnesses to testify orally to their direct knowledge of the truth of his contention. Written evidence and [circumstantial evidence](https://www.britannica.com/topic/circumstantial-evidence), even of the most compelling kind, were normally inadmissible. Moreover, the oral testimony (*shahādah*) usually had to be given by two male adult Muslims of established [integrity](https://www.merriam-webster.com/dictionary/integrity) and character. In certain cases, however, the testimony of women was acceptable (two women being required in place of one man), and, in most claims of property, the plaintiff could satisfy the burden of proof through one witness and his own solemn [oath](https://www.britannica.com/topic/oath-religious-and-secular-promise) as to the truth of his claim.

If the plaintiff or prosecutor produced the required degree of proof, judgment would be given in his favour. If he failed to produce any substantial evidence at all, judgment would be given in the defendant’s favour. If he produced some evidence but the evidence did not fulfill the strict requirements of *shahādah*, the defendant would be offered the oath of denial. Properly sworn, this oath would secure judgment in his favour; but if he refused it, judgment would be given in the plaintiff’s favour, provided, in some cases, that the latter himself would swear an oath.

In sum, the traditional system of procedure was largely self-operating. After his initial decision as to the incidence of the burden of proof, the qadi merely presided over the predetermined process of the law: witnesses were or were not produced; the oath was or was not administered and sworn; and the verdict followed automatically. This formalistic law of evidence was not, however, universally held. Dissenting jurists, such as the influential 14th-century Ḥanbalī scholar [Ibn Taymiyyah](https://www.britannica.com/biography/Ibn-Taymiyyah), believed that any type of evidence, including circumstantial evidence and the testimony of any witness, was admissible to help the qadi reach the correct decision.

**Sharīʿah law in contemporary Islam**

**Scope and mode of administration:** During the 19th century the impact of Western civilization on Muslim society brought about radical changes in the fields of civil and commercial transactions and [criminal law](https://www.britannica.com/topic/criminal-law). In these areas, the Sharīʿah courts were felt to be wholly out of touch with the needs of the time, not only because of their system of procedure and evidence but also because of the substance of the Sharīʿah doctrine, which they were bound to apply. As a result, the criminal and general [civil law](https://www.britannica.com/topic/civil-law-Romano-Germanic) of the Sharīʿah was abandoned in most Muslim countries and replaced by new codes, based on European models, with a new system of [secular](https://www.merriam-webster.com/dictionary/secular) tribunals to apply them. Thus, with the notable exception of the [Arabian Peninsula](https://www.britannica.com/place/Arabia-peninsula-Asia), where the Sharīʿah is still formally applied in its entirety, the application of Sharīʿah law in [Islam](https://www.britannica.com/topic/Islam) has been broadly confined, from the beginning of the 20th century, to [family law](https://www.britannica.com/topic/family-law), including the [law of succession](https://www.britannica.com/topic/probate) at death and the particular institution of waqf endowments.

Nor, even within this circumscribed sphere, is Sharīʿah law today applied in the traditional manner. Throughout the [Middle East](https://www.britannica.com/place/Middle-East), Sharīʿah family law is now generally expressed in the form of modern codes, and it is only in the absence of a specific relevant provision of the code that recourse is had to the traditionally [authoritative](https://www.merriam-webster.com/dictionary/authoritative) legal manuals. In India and [Pakistan](https://www.britannica.com/place/Pakistan), much of family law is today embodied in statutory legislation, and, since the law is there administered as a case-law system, the authority of judicial decisions has superseded that of the legal manuals.

In addition, in most Muslim countries, the [court](https://www.britannica.com/topic/court-law) system has been reorganized to include, for instance, the provision of appellate jurisdictions. In [Egypt](https://www.britannica.com/place/Egypt) and Tunisia, the Sharīʿah courts as a separate entity have been abolished, and Sharīʿah law is now administered through a unified system of national courts. In India and, since partition, in Pakistan, it has always been the case that Sharīʿah law has been applied by the same courts that apply the general civil and criminal law.

Finally, in many countries, special codes have been enacted to regulate the procedure and evidence of the courts that today apply Sharīʿah law. Across the Middle East, documentary and [circumstantial evidence](https://www.britannica.com/topic/circumstantial-evidence) are now generally admissible; witnesses are put under [oath](https://www.britannica.com/topic/oath-religious-and-secular-promise) and may be cross-examined; and the traditional pattern in which evidence is brought only by one side while the other side, in suitable circumstances, takes the oath of denial has largely broken down. In sum, the court has a much wider discretion in assessing the weight of the evidence than it had under the traditional system of evidence. In India and Pakistan the courts apply the same rules of evidence to cases of Islamic law as they do to civil cases generally. The system is basically English law, codified in the [Indian Evidence Act](https://www.britannica.com/topic/Indian-Evidence-Act) of 1872.

**Reform of Sharīʿah law**

Traditional Islamic [family law](https://www.britannica.com/topic/family-law) reflected to a large extent the patriarchal nature of Arabian tribal society in the early centuries of [Islam](https://www.britannica.com/topic/Islam). Not unnaturally, certain institutions and standards of that [law](https://www.britannica.com/topic/Torah) have been deemed out of line with the circumstances of contemporary Muslim societies, particularly in urban areas, where tribal ties have disintegrated and movements for the emancipation of women have arisen. At first, this situation seemed to create the same apparent impasse between the changing circumstances of modern life and an allegedly immutable law that had caused the adoption of Western codes in civil and criminal matters. Hence, the only solution that seemed possible to Turkey in 1926 was the total abandonment of the Sharīʿah and the adoption of the [Swiss Civil Code](https://www.britannica.com/topic/Swiss-Civil-Code) (chosen for its simplicity and modernity) in its place. No other Muslim country, however, has as yet followed this example. Instead, traditional Sharīʿah law has been adapted in a variety of ways to meet present social needs.

A central reformist concern in the [Middle East](https://www.britannica.com/place/Middle-East) has been the question of the juristic basis of reforms: granted their social desirability, reforms have had to be justified in terms of Islamic jurisprudential theory in order to frame them as a new, but nonetheless [legitimate](https://www.merriam-webster.com/dictionary/legitimate), version of the Sharīʿah. In the early stages of the reform movement, the doctrine of *[taqlīd](https://www.britannica.com/topic/taqlid)* (unquestioning acceptance) was still formally observed, and the juristic basis of reform lay in the doctrine of *siyāsah*, or “government,” which allows the political authority (who, of course, has no legislative power in the real sense of the term) to make administrative regulations of two principal types.

The first type concerns procedure and evidence and restricts the [jurisdiction](https://www.britannica.com/topic/jurisdiction) of the Sharīʿah courts in the sense that these courts are instructed not to hear cases that do not fulfill defined evidential requirements. Thus, according to an [Egyptian law](https://www.britannica.com/topic/Egyptian-law) enacted in 1931, no disputed claim of marriage was to be entertained if the marriage could not be proved by an official certificate of registration, and no such certificate could be issued if the bride was younger than 16 or the bridegroom younger than 18 years of age at the time of the [contract](https://www.britannica.com/topic/contract-law). Accordingly, the marriage of a minor contracted by the guardian was still perfectly valid but would not, if disputed, be the subject of judicial relief from the courts. In theory, the doctrine of the traditional authorities was not contradicted, but, in practice, the law represented an attempt to abolish the institution of child marriage.

The second type of administrative [regulation](https://www.britannica.com/topic/regulation) was a directive to the courts as to which particular rule among existing variants they were to apply. This directive allowed the political authority to choose from the views of the different schools and jurists the opinion that it deemed best suited to present social circumstances. For example, the traditional Ḥanafī law in force in [Egypt](https://www.britannica.com/place/Egypt) did not allow a wife to petition for divorce on the basis of any matrimonial offense committed by the husband, a situation that caused great hardship to abandoned or ill-treated wives. [Mālikī](https://www.britannica.com/topic/Maliki-school) law, however, recognized a wife’s right to judicial dissolution of her marriage for reasons such as the husband’s cruelty, failure to provide maintenance and support, or desertion. Accordingly, an Egyptian law of 1920 codified the Mālikī rule as the law henceforth to be applied by the Sharīʿah courts.

By way of comparison, in the Indian subcontinent, reform in the matters of child marriage and divorce was effected by statutory enactments that directly superseded the traditional Ḥanafī law. The Child Marriage Restraint Act of 1929 prohibited the marriage of girls younger than 14 and boys younger than 16 under pain of penalties, while the Dissolution of Muslim Marriages Act of 1939, modelled on the English Matrimonial Causes Acts, allowed a Ḥanafī wife to obtain a judicial divorce on the standard grounds of cruelty, desertion, failure to maintain, or the like.

By the 1950s, the potential for legal reform under the principle of *siyāsah* had been exhausted in the Middle East. Since that time, the basic doctrine of *taqlīd* has been challenged to an ever-increasing degree. On many points, the law recorded in the [medieval](https://www.merriam-webster.com/dictionary/medieval) manuals, insofar as it represents the early jurists’ interpretations of the [Qurʾān](https://www.britannica.com/topic/Quran) and [Hadith](https://www.britannica.com/topic/Hadith), has been deemed no longer to possess paramount and [exclusive](https://www.merriam-webster.com/dictionary/exclusive) authority. Contemporary [jurisprudence](https://www.britannica.com/science/jurisprudence) has claimed the right to renounce those interpretations and to interpret the original texts of divine revelation for itself, independently and afresh in the light of modern social circumstances—in short, to reopen the door of *ijtihād* that had, in theory, been closed since the 10th century.

The developing use of *ijtihād* as a means of legal reform may be seen through a comparison of the terms of the Syrian Law of Personal Status (1953) with those of the Tunisian Law of Personal Status (1957) in relation to the two subjects of polygamy and divorce by repudiation (*ṭalāq*).

As regards polygamy, the Syrian reformers argued that the Qurʾān itself urges a husband not to take additional wives unless he is financially able to make proper provision for the wives’ maintenance and support. Classical jurists had construed this verse as a [moral](https://www.merriam-webster.com/dictionary/moral) exhortation binding only on the husband’s [conscience](https://www.merriam-webster.com/dictionary/conscience), but the Syrian reformers maintained that it should be regarded as a positive legal condition [precedent](https://www.britannica.com/topic/precedent) to the exercise of polygamy and enforced as such by the courts. This novel interpretation was then coupled with a normal administrative regulation that required the due registration of marriages after the permission of the [court](https://www.britannica.com/topic/court-law) to marry had been obtained. The Syrian law accordingly states, “The [qadi](https://www.britannica.com/topic/qadi) may withhold permission for a man who is already married to marry a second wife, when it is established that he is not in a position to support them both.”

Far more extreme was the approach of the Tunisian reformers. They argued that, in addition to a husband’s financial ability to support a plurality of wives, the Qurʾān required that co-wives be treated with complete impartiality. This Qurʾānic injunction too should be construed not simply as a moral exhortation but as a legal condition precedent to polygamy, in the sense that no second marriage should be permitted unless and until adequate evidence was forthcoming that the wives would in fact be treated impartially. However, under modern social and economic conditions, such impartial treatment was a practical impossibility. Since the essential conditions for polygamy could not be fulfilled, the Tunisian law succinctly declares: “Polygamy is prohibited.”

With regard to *ṭalāq*, the Syrian law provides that a wife who has been [repudiated](https://www.merriam-webster.com/dictionary/repudiated) without just cause might be awarded by the court compensation from her former husband to the maximum extent of one year’s maintenance. The reform was once again represented as giving practical effect to certain Qurʾānic verses that had been generally regarded by traditional jurisprudence as moral rather than legally enforceable injunctions—namely, verses that enjoin husbands to “make a fair provision” for repudiated wives and to “retain wives with kindness or release them with consideration.” The effect of the Syrian law, then, is to subject the husband’s motive for repudiation to the scrutiny of the court and to penalize him, [albeit](https://www.merriam-webster.com/dictionary/albeit) to a limited extent, for abuse of his power.

Once again, the Tunisian *ijtihād* concerning repudiation is far more radical. The Tunisian reformers argued that the Qurʾān orders the appointment of arbitrators in the event of [discord](https://www.merriam-webster.com/dictionary/discord) between husband and wife. A pronouncement of repudiation by a husband clearly indicates a state of discord between the spouses. Equally clearly, the official courts are best suited to undertake the function of arbitration that then becomes necessary according to the Qurʾān. It is on this broad ground that the Tunisian law abolishes the right of a husband to [repudiate](https://www.merriam-webster.com/dictionary/repudiate) his wife extrajudicially: “Divorce outside a court of law is without legal effect.” Although the court must dissolve the marriage if the husband persists in his repudiation, it has unlimited power to grant the wife compensation for any damage she has sustained from the divorce—although in practice this power has been used most sparingly.

In [Pakistan](https://www.britannica.com/place/Pakistan) a new interpretation of the Qurʾān and Hadith was the declared basis of the reforms introduced by the Muslim Family Laws Ordinance of 1961, although the provisions of the ordinance in relation to polygamy and *ṭalāq* are much less radical than the corresponding Middle Eastern reforms, since a second marriage is simply made dependent on the consent of an Arbitration Council and the effect of a husband’s repudiation is merely suspended for a period of three months to afford opportunity for reconciliation.

Judicial decisions in Pakistan have also unequivocally [endorsed](https://www.merriam-webster.com/dictionary/endorsed) the right of independent interpretation of the Qurʾān. For example, in *Khurshīd Bībī* v. *Muḥammad Amīn* (1967), the country’s Supreme Court held that a Muslim wife could as a right obtain a divorce simply by payment of suitable compensation to her husband. This decision was based on the court’s interpretation of a relevant Qurʾānic verse. However, under traditional Sharīʿah law, this form of divorce, known as *khulʿ*, in which a wife pays for her release, is a contract between the spouses and, as such, is entirely dependent upon the husband’s free consent.

These are just a few examples of the many far-reaching changes that have been effected in Islamic family law. But the whole process of legal reform as it has unfolded so far still involves great problems of principle and practice. A hard core of traditionalist opinion continues to reject adamantly the validity of reinterpretation of the basic texts of divine revelation. The traditionalists argue that the texts are being manipulated to yield the meaning that suits the preconceived purposes of the reformers; therefore, contrary to fundamental Islamic [ideology](https://www.britannica.com/topic/ideology-society), it is social desirability and not the will of God that is ultimately determining the law.

As regards the practical effects of legal reform, in many Muslim countries there is a deep social gulf between a Westernized and modernist minority and the [conservative](https://www.merriam-webster.com/dictionary/conservative) mass of the population. Reforms that aim at satisfying the standards of progressive [urban society](https://www.britannica.com/topic/urban-culture) have little significance for the traditionalist [communities](https://www.merriam-webster.com/dictionary/communities) of rural areas or for Muslim [conservatives](https://www.merriam-webster.com/dictionary/conservatives), whose geographical and social distribution crosses all apparent boundaries. It is also often the case that the qadis, given their background and training, are not wholly sympathetic to the purposes of the modernist legislators—an attitude often reflected in their interpretations of the new codes.

The one supreme achievement of Islamic jurisprudence over the past few decades has been the emergence of a functional approach to the role of law in society. Jurisprudence has discarded the introspective and idealistic attitude that the doctrine of *taqlīd* had imposed on it since medieval times and now sees its task to be the solution of the problems of contemporary society. It has emerged from a protracted period of stagnation to adopt again the attitude of the earliest Muslim jurists, whose aim was to relate the dictates of the divine will to their own social [environment](https://www.merriam-webster.com/dictionary/environment). It is this attitude alone that has ensured the survival of the Sharīʿah in modern times as a practical system of law and that provides inspiration for the future.

**Hebraic law**

**Hebraic law** is a body of ancient Hebrew [law](https://www.britannica.com/topic/Torah) codes found in various places in the [Old Testament](https://www.britannica.com/topic/Old-Testament) and similar to earlier law codes of ancient Middle Eastern monarchs—such as the [Code of Hammurabi](https://www.britannica.com/topic/Code-of-Hammurabi), an 18th–17th-century-BC Babylonian king, and the Code of Lipit-Ishtar, a 20th-century-BC king of the Mesopotamian city of Eshnunna. The codes of both Hammurabi and Lipit-Ishtar are described in their prologues as imparted by a deity so that the monarchs might establish [justice](https://www.merriam-webster.com/dictionary/justice) in their lands. Such law codes thus had the authority of divine command.

The laws of the Hebrews were conceived in the same manner. Two types of law are noted in the Hebrew law codes: (1) casuistic, or case, law, which contains a conditional statement and a type of punishment to be meted out; and (2) apodictic law, *i.e.,* regulations in the form of divine commands (*e.g.,* the Ten Commandments). The following Hebraic law codes are incorporated in the Old Testament: (1) the [Book of the Covenant](https://www.britannica.com/topic/Book-of-the-Covenant), or the [Covenant](https://www.merriam-webster.com/dictionary/Covenant) Code; (2) the Deuteronomic Code; and (3) the Priestly Code.

The Book of the Covenant, one of the oldest collections of law in the Old Testament, is found in Exodus 20:22–23:33. Similar to the Code of Hammurabi, the Covenant Code is divided into the following sections: (1) a prologue; (2) laws on the [worship](https://www.britannica.com/topic/worship) of Yahweh; (3) laws dealing with persons; (4) property laws; (5) laws concerned with the continuance of the Covenant; and (6) an epilogue, with warnings and promises. In both the Code of Hammurabi and the Covenant Code, the lex [talionis](https://www.britannica.com/topic/talion) (the law of retribution)—namely, the “eye for an eye, a tooth for a tooth” law—is found. The substitution of financial compensation or a fine for the literal punishment, however, was allowed.

The [Deuteronomic Code](https://www.britannica.com/topic/Deuteronomic-Code), found in Deuteronomy, chapters 12–26, is a reinterpretation or revision of [Israelite](https://www.britannica.com/topic/Israelite) law, based on historical conditions as interpreted by the 7th-century-BC historians known as the Deuteronomists. Discovered in the Temple at Jerusalem in 621 BC, the Deuteronomic Code attempted to purify the worship of Yahweh from Canaanite and other influences. The greatest [sin](https://www.britannica.com/topic/sin-religion) was considered to be [apostasy](https://www.britannica.com/topic/apostasy), the rejection of [faith](https://www.britannica.com/topic/faith), the penalty for which was death. The Deuteronomic Code is divided into the following sections: (1) statutes and ordinances, especially related to dealings with the Canaanites and worship in the Temple in Jerusalem alone, to the exclusion of the high places (*see* [high place](https://www.britannica.com/topic/high-place)); (2) laws (known as sabbatical laws) concerned with the year of release from obligations, especially financial; (3) regulations for leaders; (4) various civil, cultic, and [ethical](https://www.merriam-webster.com/dictionary/ethical) laws; and (5) an epilogue of blessings and curses.

The [Priestly Code](https://www.britannica.com/topic/Priestly-code), containing a major section known as the [Code of Holiness](https://www.britannica.com/topic/Code-of-Holiness) (in Leviticus, chapters 17–26), is found in various parts of Exodus, all of Leviticus, and most of Numbers. Emphasizing ceremonial, institutional, and ritualistic practices, the Priestly Code comes from the post-Exilic period (*i.e.,* after 538 BC). Though most of the laws of the Code of Holiness probably come from the pre-Exilic period (pre-6th century BC), the laws reflect a reinterpretation encouraged by the Exile experiences in Babylon. Purity of worship of Yahweh is emphasized.

**Ẓāhirīyah**

**Ẓāhirīyah** (Arabic: “Literalists”) followers of an Islamic legal and theological school that insisted on strict [adherence](https://www.merriam-webster.com/dictionary/adherence) to the literal text (*ẓāhir*) of the [Qurʾān](https://www.britannica.com/topic/Quran) and [Ḥadīth](https://www.britannica.com/topic/Hadith) (sayings and actions of the Prophet [Muḥammad](https://www.britannica.com/biography/Muhammad)) as the only source of Muslim law. It rejected practices in law (*fiqh*) such as analogical reasoning (*[qiyas](https://www.britannica.com/topic/qiyas)*) and pure reason (*[raʾy](https://www.britannica.com/topic/ray-Islam)*) as sources of jurisprudence and looked askance at [consensus](https://www.merriam-webster.com/dictionary/consensus) (*[ijmāʾ](https://www.britannica.com/topic/ijma)*). Theologically, the school formed the extreme rejection of anthropomorphism (*[tashbih](https://www.britannica.com/topic/tashbih)*), attributing to God only those essential elements and qualities set forth clearly in the Qurʾān.

This approach to the Islamic tradition was apparently pioneered in Iraq in the 9th century by one Dāwūd ibn Khalaf, though nothing of his work has survived. From Iraq, it spread to Iran, [North Africa](https://www.britannica.com/place/North-Africa), and Muslim Spain, where the philosopher [Ibn Ḥazm](https://www.britannica.com/biography/Ibn-Hazm) was its chief exponent; much of what is known of early Ẓāhirī theory comes through him. Although it was strongly attacked by orthodox theologians, the Ẓāhirī school nevertheless survived for about 500 years in various forms and seems finally to have merged with the [Ḥanbalī](https://www.britannica.com/topic/Hanabilah) school.

**Islamic philosophy**

**Islamic philosophy**, or **Arabic philosophy**/Arabic **falsafah**/doctrines of the philosophers of the 9th–12th century [Islamic world](https://www.britannica.com/topic/Islamic-world) who wrote primarily in [Arabic](https://www.britannica.com/topic/Arabic-language). These doctrines combine [Aristotelianism](https://www.britannica.com/topic/Aristotelianism) and [Neoplatonism](https://www.britannica.com/topic/Neoplatonism) with other ideas introduced through [Islam](https://www.britannica.com/topic/Islam).

Islamic [philosophy](https://www.britannica.com/topic/philosophy) is related to but distinct from the theological doctrines and movements in Islam. [Al-Kindi](https://www.britannica.com/biography/Yaqub-ibn-Ishaq-as-Sabah-al-Kindi), for instance, one of the first Islamic philosophers, flourished in a [milieu](https://www.merriam-webster.com/dictionary/milieu) in which the [dialectic](https://www.britannica.com/topic/dialectic-logic) theology (*[kalām](https://www.britannica.com/topic/kalam-Islam)*) of the [Muʿtazilah](https://www.britannica.com/topic/Mutazilah) movement spurred much of the interest and investment in the study of Greek philosophy, but he himself was not a participant in the theological debates of the time. [Al-Rāzī](https://www.britannica.com/biography/al-Razi), meanwhile, was influenced by contemporary theological debates on [atomism](https://www.britannica.com/topic/atomism) in his work on the [composition](https://www.merriam-webster.com/dictionary/composition) of matter. Christians and Jews also participated in the philosophical movements of the Islamic world, and schools of thought were divided by philosophic rather than religious doctrine.

Other influential thinkers include the Persians [al-Farabi](https://www.britannica.com/biography/al-Farabi) and [Avicenna](https://www.britannica.com/biography/Avicenna) (Ibn Sīnā), as well as the Spaniard [Averroës](https://www.britannica.com/biography/Averroes) (Ibn Rushd), whose interpretations of [Aristotle](https://www.britannica.com/biography/Aristotle) were taken up by both Jewish and Christian thinkers. When the Arabs dominated [Andalusian Spain](https://www.britannica.com/place/Al-Andalus), the Arabic philosophic literature was translated into Hebrew and Latin. In [Egypt](https://www.britannica.com/place/Egypt) around the same time, the philosophic tradition was developed by [Moses Maimonides](https://www.britannica.com/biography/Moses-Maimonides) and [Ibn Khaldūn](https://www.britannica.com/biography/Ibn-Khaldun).

The prominence of classical Islamic philosophy declined in the 12th and 13th centuries in favour of mysticism, as [articulated](https://www.merriam-webster.com/dictionary/articulated) by thinkers such as [al-Ghazālī](https://www.britannica.com/biography/al-Ghazali) and [Ibn al-ʿArabī](https://www.britannica.com/biography/Ibn-al-Arabi), and traditionalism, as [promulgated](https://www.merriam-webster.com/dictionary/promulgated) by [Ibn Taymiyyah](https://www.britannica.com/biography/Ibn-Taymiyyah). Nonetheless, Islamic philosophy, which reintroduced Aristotelianism to the Latin West, remained influential in the development of [medieval](https://www.merriam-webster.com/dictionary/medieval) [Scholasticism](https://www.britannica.com/topic/Scholasticism) and of modern European philosophy.

**Fatwa**

**Fatwa** in [Islam](https://www.britannica.com/topic/Islam) is a formal ruling or interpretation on a point of [Islamic law](https://www.britannica.com/topic/Shariah) given by a qualified legal scholar (known as a [mufti](https://www.britannica.com/topic/mufti)). Fatwas are usually issued in response to questions from individuals or Islamic courts. Though considered [authoritative](https://www.merriam-webster.com/dictionary/authoritative), fatwas are generally not treated as binding judgments; a requester who finds a fatwa unconvincing is permitted to seek another opinion.

**Riddah**

**Riddah** is a series of politico-religious uprisings in various parts of [Arabia](https://www.britannica.com/place/Arabia-peninsula-Asia) circa 632 CE during the caliphate of [Abū Bakr](https://www.britannica.com/biography/Abu-Bakr) (reigned 632–634).

Despite the traditional resistance of the Bedouins to any restraining central authority, by 631 [Muhammad](https://www.britannica.com/biography/Muhammad) was able to exact from the majority of their tribes at least [nominal](https://www.merriam-webster.com/dictionary/nominal) [adherence](https://www.merriam-webster.com/dictionary/adherence) to [Islam](https://www.britannica.com/topic/Islam), payment of the *[zakāt](https://www.britannica.com/topic/zakat-Islamic-tax)*, a tax levied on Muslims to support the poor, and acceptance of Medinan envoys. In March 632, in what Muslim historians later called the first [apostasy](https://www.britannica.com/topic/apostasy), or *riddah*, a Yemeni tribe expelled two of Muhammad’s agents and secured control of Yemen. Muhammad died three months later, and dissident tribes, eager to reassert their independence and stop payment of the *zakāt*, rose in revolt. They refused to recognize the authority of Abū Bakr, interpreting Muhammad’s death as a termination of their contract, and rallied instead around at least four rival prophets.

Most of Abū Bakr’s reign was consequently occupied with *riddah* wars, which under the generalship of [Khālid ibn al-Walīd](https://www.britannica.com/biography/Khalid-ibn-al-Walid) not only brought the secessionists back to Islam but also won over many who had not yet been converted. The major campaign was directed against Abū Bakr’s strongest opponent, the prophet Musaylimah and his followers in Al-Yamāmah. It culminated in a notoriously bloody battle at ʿAqrabāʾ in eastern [Najd](https://www.britannica.com/place/Najd) (May 633), afterward known as the Garden of Death. The encounter cost the Muslims the lives of many *anṣār* (“helpers”; Medinan [Companions of the Prophet](https://www.britannica.com/topic/Companions-of-the-Prophet)) who were invaluable for their knowledge of the [Qurʾān](https://www.britannica.com/topic/Quran), which had been revealed to the Prophet, recited to his [disciples](https://www.merriam-webster.com/dictionary/disciples), and memorized by them but not yet written down. Musaylimah was killed, the heart of the *riddah* opposition was destroyed, and the strength of the Medinan government was established. Sometime between 633 and 634 Arabia was finally reunited under the [caliph](https://www.britannica.com/topic/caliph), and the energy of its tribes was diverted to the conquest of Iraq, Syria, and Egypt.

**Istiṣlāḥ**

**Istiṣlāḥ**, (Arabic: “to deem proper”) in [Islamic law](https://www.britannica.com/topic/Shariah), consideration of benefit, a norm employed by Muslim jurists to solve perplexing problems that find no clear answer in sacred religious texts. In such a situation, the judge reaches a decision by determining first what is materially most [beneficial](https://www.merriam-webster.com/dictionary/beneficial) to the [community](https://www.merriam-webster.com/dictionary/community) as a whole, then what benefits the local community, and finally what benefits the individual. Almost all Muslim schools of [theology](https://www.britannica.com/topic/theology) acknowledge the usefulness and legitimacy of *istiṣlāḥ*, for they accept the [premise](https://www.merriam-webster.com/dictionary/premise) that whatever is materially beneficial for humanity in general is almost certainly beneficial to individuals. *Istiṣlāḥ* may not be used when the material advantage to an individual or community directly conflicts with explicit teachings of [Islam](https://www.britannica.com/topic/Islam).

**Sunnah**

**Sunnah**, (Arabic: “habitual practice”) also spelled **Sunna**, the body of traditional social and legal custom and practice of the [Islamic](https://www.britannica.com/topic/Islam) [community](https://www.merriam-webster.com/dictionary/community). Along with the [Qurʾān](https://www.britannica.com/topic/Quran) (the holy book of Islam) and [Hadith](https://www.britannica.com/topic/Hadith) (recorded sayings of the Prophet [Muhammad](https://www.britannica.com/biography/Muhammad)), it is a major source of [Sharīʿah](https://www.britannica.com/topic/Shariah), or Islamic law.

In pre-Islamic [Arabia](https://www.britannica.com/place/Arabia-peninsula-Asia), the term *sunnah* referred to precedents established by tribal ancestors, accepted as normative and practiced by the entire community. The early Muslims did not immediately [concur](https://www.merriam-webster.com/dictionary/concur) on what [constituted](https://www.merriam-webster.com/dictionary/constituted) their Sunnah. Some looked to the people of [Medina](https://www.britannica.com/place/Medina-Saudi-Arabia) for an example, and others followed the behaviour of the companions of the Prophet Muhammad, whereas the provincial legal schools, current in [Iraq](https://www.britannica.com/place/Iraq), [Syria](https://www.britannica.com/place/Syria), and the [Hejaz](https://www.britannica.com/place/Hejaz) (in Arabia) in the 8th century CE, attempted to equate Sunnah with an ideal system—based partly on what was traditional in their respective areas and partly on precedents that they themselves had developed. These varying sources, which created differing community practices, were finally [reconciled](https://www.merriam-webster.com/dictionary/reconciled) late in the 8th century by the legal scholar [Abū ʿAbd Allāh al-Shāfiʿī](https://www.britannica.com/biography/Abu-Abd-Allah-ash-Shafii) (767–820), who accorded the Sunnah of the Prophet Muhammad—as preserved in eyewitness records of his words, actions, and [approbations](https://www.merriam-webster.com/dictionary/approbations) (the [Hadith](https://www.britannica.com/topic/Hadith))—normative and legal status second only to that of the Qurʾān.

The authoritativeness of the Sunnah was further strengthened when Muslim scholars, in response to the wholesale fabrication of hadiths by supporters of various doctrinal, legal, and political positions, developed *[ʿilm al-ḥadīth](https://www.britannica.com/topic/ilm-al-hadith)*, the science of determining the reliability of individual traditions. The Sunnah was then used in *[tafsīr](https://www.britannica.com/topic/tafsir)* (Qurʾānic [exegesis](https://www.britannica.com/topic/exegesis)) to supplement the meaning of the text and in *[fiqh](https://www.britannica.com/topic/fiqh)* (Islamic jurisprudence) as the basis of legal rulings not discussed in the Qurʾān.

**Abū al-Aʿlā al-Mawdūdī**

**Abū al-Aʿlā al-Mawdūdī**, (born September 25, 1903, Aurangabad, [Hyderabad](https://www.britannica.com/place/Hyderabad-India) state [India]—died September 22, 1979, [Buffalo](https://www.britannica.com/place/Buffalo-New-York), [New York](https://www.britannica.com/place/New-York-state), U.S.), journalist and fundamentalist [Muslim](https://www.britannica.com/topic/Islam) theologian who played a major role in [Pakistani](https://www.britannica.com/place/Pakistan) politics.

Mawdūdī was born to an aristocratic family in [Aurangabad](https://www.britannica.com/place/Aurangabad) under the [British raj](https://www.britannica.com/event/British-raj). His father briefly attended the Anglo-Mohammedan Oriental College, established by [Sayyid Ahmad Khan](https://www.britannica.com/biography/Sayyid-Ahmad-Khan) in 1875 to promote modernist thought among Muslims, but was withdrawn by his family in favour of a more traditional education in Allahabad (now [Prayagraj](https://www.britannica.com/place/Prayagraj)). He became active in a Sufi order ([tariqa](https://www.britannica.com/topic/tariqa)) and oversaw a traditional Islamic education at home for Mawdūdī in his early childhood. Mawdūdī began studying in Islamic schools (madrasahs) at the age of 11, but a crisis in the family prevented him from completing his education as a religious scholar (*[ʿālim](https://www.britannica.com/topic/ulama)*). In his adult years he became convinced that Muslim thinkers must be freed from the hold that Western civilization had over them, in favour of a code of life, [culture](https://www.merriam-webster.com/dictionary/culture), and political and [economic system](https://www.britannica.com/topic/economic-system) unique to [Islam](https://www.britannica.com/topic/Islam). He established the [Jamaʿat-i Islami](https://www.britannica.com/topic/Jamaat-i-Islami) in 1941 with the aim of effecting such reform. When [Pakistan](https://www.britannica.com/place/Pakistan) split off from [India](https://www.britannica.com/place/India) in 1947, his efforts were instrumental in guiding the new nation away from the [secularism](https://www.britannica.com/topic/secularism) of Western governments and toward the formation of an Islamic [political system](https://www.britannica.com/topic/political-system). Persistently, Mawdūdī found himself in opposition to the Pakistani government. He was imprisoned from 1948 to 1950 and again from 1953 to 1955 and was under a sentence of death for a period in 1953.

Mawdūdī wrote on a very broad range of topics, including philosophy, Muslim jurisprudence, [history](https://www.britannica.com/topic/history), economics, sociology, and [theology](https://www.britannica.com/topic/theology). He is best known for the thesis that God alone is [sovereign](https://www.merriam-webster.com/dictionary/sovereign), not human rulers, nations, or customs. Political power in this world exists in order to put the divinely ordained principles of the [Sharīʿah](https://www.britannica.com/topic/Shariah) (the Islamic legal and [moral](https://www.merriam-webster.com/dictionary/moral) code) into effect. Since Islam is a universal code for human life, moreover, the state must be all-embracing and must be left in the hands of Muslims, though nonbelievers should be allowed to live within the state as non-Muslim citizens. Since all Muslims share the same relationship to God, this state must be what Mawdūdī called a “theo-democracy,” in which the whole [community](https://www.merriam-webster.com/dictionary/community) is called upon to interpret the divine law.

**Kharāj**

**Kharāj**, a special Islāmic fiscal imposition that was demanded from recent converts to [Islām](https://www.britannica.com/topic/Islam) in the 7th and 8th centuries.

The origin of the concept of the *kharāj*is closely linked to changes in the status of non-Muslims and of recent converts to Islām in newly conquered Islāmic territories. The [indigenous](https://www.merriam-webster.com/dictionary/indigenous) Jewish, Christian, or Zoroastrian populations of these territories were permitted either to convert to Islām or to maintain their previous religious affiliations. Those individuals who preferred not to convert were required to pay a special tribute, usually in the form of a [poll tax](https://www.britannica.com/topic/poll-tax) or head [tax](https://www.britannica.com/topic/taxation) known as the *[jizyah](https://www.britannica.com/topic/jizya).* But those who chose to convert, in theory, would be placed on an equal fiscal footing with other Muslims.

Under [Islāmic law](https://www.britannica.com/topic/Shariah), only original Muslims or converts to Islām could own land. Thus, there was incentive for non-Muslim cultivators to convert to Islām so that they could maintain their agricultural holdings. Upon conversion, the cultivators were required to pay the *[ʿushr](https://www.britannica.com/topic/ushr)* (or tithe), a tax equivalent to one-tenth of their produce. In theory these converts were exempt from other taxes on their lands. But the [Umayyad](https://www.britannica.com/topic/Umayyad-dynasty-Islamic-history) caliphs (reigned 661–750), faced with increasing financial problems, imposed a kind of *kharāj* on the land of recent converts in addition to their payment of *ʿushr.* This extra imposition of the *kharāj* was unpopular, and many converts felt that it violated the egalitarian principles of Islām.

In Khorāsān, the northeastern province of Iran, the collection of the *kharāj* was one of the grievances that led to [Abū Muslim’s](https://www.britannica.com/biography/Abu-Muslim) revolt in 747, which precipitated the downfall of the Umayyad caliphate. During the early years of the succeeding [ʿAbbāsid caliphate](https://www.britannica.com/topic/Abbasid-caliphate), the collection of the *kharāj* fell into disuse.