

Quadrant V - Notes

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Module Name: Religious Developments: the Origin of Shariah, Mihna

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Religious developments: the Origin of Shariah, Mihna:

Shariah Meaning:

Shariah is the Arabic word for Islamic law, also known as Law of Allah. “Shara’a” is the root Arabic word for Shariah. Shariah literally means “the clear, well trodden path to water.” In religious sense, it means “the divine way of a good life.” Shariah refers to commands, prohibitions, guidance and principles that God has addressed to mankind pertaining to their conduct in this world and salvation in the next. Shariah is concerned as much with ethical standards as with legal rules. Indicating not only what an individual is entitled or bound to do in law but also what ought, in conscience, to do or to refrain from doing.

Origin:

Before Islam, the nomadic tribes inhabiting the Arabic Peninsula had their own religion and worshipped idols. There were frequent fights between these tribes. Crimes against individuals were sometimes resolved by an arbitrator. Muhammad introduced a new religion, Islam which affirmed only one God. The Quran sets down basic standards of human conduct, but does not provide detailed law code. Only few verses deal with legal matters. During his life time, Muhammad helped to clarify the law by interpreting provisions in the Quran and

acted as a judge in legal cases. Thus Islamic law, the Shariah became an integral part of the Muslim Religion.

Development of Shariah:

Following Muhammad's death in 632 A.D., successors of Muhammad ruled Arabia for about 30 years. These political-religious rulers called Caliphs continued to develop Islamic law with their own pronouncements and decisions. The first Caliph also captured territories outside Arabia including Iraq, Syria, Palestine, Persia and Egypt. As a result, elements of Jewish, Greek, Roman, and Christian Church law also influenced the development of the Shariah. Islamic law grew along with the expanding Muslim Empire to India, Northwest Africa and Spain. Due to revolts and Civil war the Umayyad were overthrown in 750 C.E. and replaced by the Abbasid Dynasty. During the 500 years rule of the Abbasids, the Shariah reached its full development.

Sources of Shariah:

- The Holy Quran
- The Sunnah of Holy Prophet
- Ijma' – consensus
- Qiyas- analogy

Branches or Categories of Shariah:

Categories of Shariah are called "Furu" in Arabic. The main categories are – "Al-Ibadat"- that is the Acts of worship and "Mu'amalat" – the human interacts. These two categories are further divided in to various smaller branches.

The first category of Shariah that is "Al-Ibadat"- the acts of worship or rituals – these are the five pillars of Islam:

- 1- The affirmation of faith- Shahada
- 2- Prayer- Salah
- 3- Fasting- Saum
- 4- Charity- Zakah

5- Pilgrimage- Hajj

Features of Shariah:

- Rabbaniyyah (divine).
- Reward in the world and thereafter.
- Alamiyyah and umumiyah (universal).
- Permanent.
- Syumul (complete).

The second category of Shariah which is “Mu’amalat”- the human interactions or the social relationships includes:

- Financial Transaction, Endowments.
- Law of inheritance, marriage, divorce and child custody.
- Halal and Haram in foods and drinks, ritual slaughtering and hunting.
- The penal punishment and if it is a state then warfare and peace agreements as well it extends to judicial matters which includes witnesses and various forms of evidence.

Objectives of Shariah:

There are five objectives of Islamic jurisprudence:

- Hifzud din – protection of faith or religion.
- Hifzun nafs – protection of soul/ life.
- Hifzul aqal – protection of Intellect.
- Hifzun nasl – protection of offspring/ lineage.
- Hifzul mal – protection of property.

Mihna Meaning :

It is the Arabic term for a test, a trial or a ordeal. The Mihna refers to the period of religious persecution instituted by the Abbasid Caliph Al-Ma'mun in 833 A.D.

Origin:

The debate between Pro-Sunnis and Al-Ma'mun led to the Mihna. The Pro-Sunnis were the majority who were very literalist when it came to Quran and Hadith. They did not leave room for much interpretation. Al-Ma'mun was against that- while he maintained that the Hadiths were credible, he also said the some Hadiths were more credible than the others. The whole issue came down to one debate "was the Quran created by God or had it already existed"? This question was an over simplification of the debate by Al-Ma'mun. Al-Ma'mun believed that the Quran was created and sent down to Prophet and so it had room for interpretation as the time changed. However, if it had already existed than time does not factor in to it so no room for interpretation. The literalists didn't exactly believe that the Quran had already existed as the Al-Ma'mun insisted that they believed. But the debate got out of hand as the Mihna came to be.

Development:

During this period religious scholars were punished, imprisoned, or even killed unless they conceded the doctrine of the created nature of the Quran. In 833 C.E. the year Al-Ma'mun was to die, he wrote a letter from Raqqa to his Governor in Baghdad to question official of court, judiciary and the scholars and their belief on the createdness of the Quran. We do not know how many people were questioned. The majority of the population disagreed with Al-Ma'mun's beliefs but they had no choice. Those who initially resisted later caved in when the Caliph ordered their execution. All but two people changed their position for the Caliph. One of them was Ahmad-ibn-Hanbal. They were put in chains and sent to the Caliph. Although, in the middle of their journey, news reached them that the Caliph had died. The two scholars were released by Al-Ma'mun's successor. The policy lasted for fifteen years.

It continued through the reigns of Al-Ma'mun's immediate successors Al-Mu'tasim and Al-Wathiq and two years of Al-Mutawakkil who reversed it in 848

A.D. The abolition of Mihna is both significant as the end of the Abbasid Caliph's pretension to decide matters of religious orthodoxy, and as one of the few instance of especially religious persecution in Medieval Islam. The Mihna is foundational for Islam because it constitutes the watershed in which the relationship between the state and the Ulama regarding authority in religious matters was defined in Islam.

Conlcusion:

Shariah is Islam's legal system. It acts as a code for living that all Muslims should adhere to, including prayers, fasting and donation of the poor. Shariah aims to help Muslims understand how they should lead every aspect of their lives according to God's wishes. Mihna on the other hand is a trial where religious scholars were punished and even killed over the doctrine of created nature of Quran. It gives insight in to the relationship between the State and Ulama regarding authority in religious matters. Ultimately Mihna failed and the Pro-Sunni's prevailed. The events of Mihna contributed to the further crystallization of Islamic religious thought.