

## Shari'ah: Following the Straight Path

*Summary: Shari'ah is the system of law and ethics in Islam that governs a Muslim's daily life. Shari'ah is established by 'ulamas, people who are trained as interpreters of the Qur'an. In the Sunni tradition, 'ulamas may belong to one of the four prominent groups: Hanafi, Maliki, Shafi'i, and Hanbali. In the Shi'i tradition, the Jafari school is the most prominent.*

The Prophet Muhammad was an interpreter of religious doctrine for the Muslim community. In the centuries after the Prophet's death, Muslim rule extended from Spain to the borders of China, and some thought that these rulers had abandoned the ideals of Muhammad's community at Medina. During the life of the Prophet, people began to collect and write down *hadith*, the traditions of the Prophet's *sunnah*. (Literally "custom," "*sunnah*" refers to the words and actions of the Prophet Muhammad.) Many critics of Muslim rulers were authorities on the *sunnah* and respected interpreters of the Qur'an. These learned persons, called *'ulama*, developed a system of *shari'ah*—law, ethics and manners—so that Muslims could follow God's will in every aspect of life, from rituals to commerce to personal hygiene, in accordance with the example of the Prophet.

The Sunni *'ulama* gradually developed hundreds of schools of law, or accepted interpretations of the *Shari'ah*, of which today only four remain: named after the great scholars who founded them, they are the Hanafi, Maliki, Shafi'i, and Hanbali schools. The Shi'ah developed their own schools of interpretation, the most prominent of which is the Ja'fari school. The basic sources of *shari'ah* are the Qur'an, the *sunnah*, *ijma'*, or the consensus of the community, and *qiyas*, or reasoning by analogy. According to many Sunni legalists, the scholar should not exercise much independent interpretive reasoning (*ijtihad*) because major issues were resolved by earlier *'ulama*. Most Shi'i schools, however, place a high value on independent reasoning, and the Shi'i scholars, called *mullahs*, play a much more significant role in interpreting *shari'ah* in their communities.

The *'ulama* arose as a creative and corrective force, addressing the social problems of their day. They later established traditional *madrassahs* ("places of learning") throughout the Muslim world for advanced study of law, philosophy and theology, arts and sciences. These became models for the European university system. One of the most famous is the 10th century al-Azhar University in Cairo, which continues to serve as an educational center for Muslims around the world. Other

important *madrasahs* include al-Zaytunah University in Tunisia and the University of al-Qarawiyyin in Morocco. In the Shi'i tradition, educational institutions are known as *hawzas* ("places of guarding religious knowledge"). Important *hawzas* include the Qom Seminary in Iran and the Najaf Seminary in Iraq.

Today, the Muslim world includes the United States, which is rich in diverse practice and opinion, much of which is uniquely American. There is even talk, particularly among indigenous Americans, of developing a fifth Sunni school of law. Professor Dr. Azizah al-Hibri of the University of Richmond Law School notes, "In the United States, to the extent that we have freedom of speech, and that's quite a large extent, we can really be the vanguard of the modern Muslim movement, the modern Islamic jurisprudence... we can engage in *ijtihad*, hopefully do it right, and not fear repercussions of an oppressive government." The modern age presents both challenges and opportunities, and American Muslims are responding by defining common ground in American and Muslim values.

Recently, questions of the place of *shari'ah* law in the American judicial system have come up, as relating to Islamic family law. Yet it is important to note that *shari'ah* does not necessarily contradict modern state laws. While the judicial systems in countries that self-identify as Muslim are often based on *shari'ah*, many Muslims would agree that *shari'ah* neither contradicts nor must be a part of the state law. *Shari'ah* includes private family law, for example, which can be compatible with and non-intrusive to a secular government structure.