

**SHARIA LAW:  
IS ISLAMIC  
FAMILY LAW  
TODAY REALLY  
BASED ON  
SHARI'A?  
WHY IT IS  
IMPORTANT TO  
KNOW.**



This is adapted from the chapter “Shari’a and Islamic Family Law: Transition and Transformation” by Professor Abdullahi Ahmed An-Na’im in Islamic Family Law in a Changing World: A Global Resource Book. Professor An-Na’im shows us that Islamic Family Law (IFL) is not the same as Shari’a, since IFL is based on human interpretation and judgment, therefore it is not a divine order from God to Muslims.



# CHAPTER 1

02

## **There is a lot of confusion about Shari'a and Islamic Family Law. What is Shari'a?**

In Arabic, the word “shari’a” means “way” or “path”. It is pronounced SHA-ree-ah. Shari’a is not a legal system. It is the overall way of life of Islam, as people understand it according to traditional, early interpretations. These early interpretations date from 700 to 900 CE, not long after the Prophet Muhammad(PBUH) died in 632 CE. Shari’a can evolve with Islamic societies to address their needs today.

## **Is Shari'a the world of God?**

No. Shari’a was not revealed by Allah (God). It is based on the Qur’an and things the Prophet Muhammad(PBUH) said and did. Some of the sources of Shari’a, such as the Qur’an, are considered divine (or the “word of God”) by Muslims. However, Shari’a was created by people who interpreted the Qur’an and the words and actions of the Prophet Muhammad(PBUH).

## **How did Shari'a come about?**

To understand how Shari’a came about, it’s important to understand a little bit about history. The Prophet Muhammad(PBUH) is believed to have been born in 570 CE. The Qur’an was revealed to Muhammad(PBUH) starting around 610 CE. Early Muslims followed the guidance of the Qur’an and the example of the Prophet Muhammad(PBUH).

## How did Shari'a come about?

If they had a question, they could just ask him. After he died, people would ask their questions to the Prophet's family and friends—people who had a good idea of what he might have answered. The Prophet's friends and family would often tell stories about things the Prophet said or did, to help explain their answers. These stories came to be called Hadith.

It wasn't long before the Prophet's friends and family—and everyone who knew him—had died. People needed a way to figure out answers based on the Qur'an and Hadith. They started looking for patterns—"Did the Prophet(PBUH) always give the same kind of answer in similar situations?"—and principles—"Does the Qur'an tell us to be compassionate in many different situations?" These patterns and principles were put together into a system, along with specific rules in the Qur'an and Hadith, so people could figure out the answers to their questions. The people who put the traditional interpretations of Shari'a together also included some other things, like common practices from their time and cultural practices from their area of the world.

## How was Shari'a used in the beginning?

As time went on, people had new questions about new problems. Religious scholars could use Shari'a to try to figure out what people should do. The goal was to try to get as close as possible to what the Prophet Muhammad(PBUH) would have said if he were still around. When early scholars interpreted Shari'a, it was called ijihad. Even very religious, well-educated scholars could make mistakes, though. Sometimes they disagreed with each other. That is why there are different Islamic schools of thought, called madhahib.

## Is there a difference between Shari'a & Islamic Law?

Yes. Shari'a isn't a legal system. It includes Islamic principles to help guide people to new answers, and it includes common cultural practices that had to do with a specific time and place in history.

## Is there a difference between Shari'a & Islamic Law? II

Muslim rulers wanted a way to make Shari'a into law. To do that, they decided which rules needed to be laws, first. Then they used interpretations of Shari'a to show people that the new laws were Islamic. The result was what we call Islamic Law.

Islamic Law is always based on someone's interpretation of the Shari'a (which is an interpretation of the Qur'an and Hadith). Because it is a human interpretation, Islamic Law can mean different things in different places and at different times in history.

Today, interpretations of Shari'a are usually still limited to rules of interpretation (called *usul al-fiqh*) that were established by early scholars before 900 CE. More recently scholars have called for new *ijtihad* to meet the changing needs of modern Islamic societies.

## Do Islamic countries today use Islamic Law?

Yes and no. Many Islamic countries believe they are following Shari'a in family law matters, however that is not possible because Shari'a is not a legal system. The countries that claim to follow Shari'a law actually use some kind of Islamic Law in family matters, and in all other matters outside of family law apply European-style law left over from the days of colonization

Iran, Saudi Arabia and a few other countries claim that most of their laws are based on Shari'a, but, in fact, most of those laws are secular. Even those laws which come from Islamic Law are different from place to place because they are interpreted by people—and those people are influenced by their culture.

Still, Islamic Law is followed by many Muslims as a way of life, not as law. In that case, it is a personal choice, based on the person's own understanding and beliefs.

## **Are all laws in Islamic countries based on Islamic law?**

No. Today, many Islamic countries use some version of Islamic Family Law (also called “IFL” in this article), even if they use secular laws for all other kinds of laws.

## **Do Islamic countries today use Islamic Law?**

IFL is a type of law that covers topics like marriage, divorce, custody of children and the status of women. It also may be called Muslim Personal Status Law. The idea of IFL was introduced by European colonial powers. Colonial governments separated the field of family law from the rest of Shari’a, then enforced IFL as national law, according to European models of government. All other fields of law came under secular European-style laws.

Read on to learn what laws were like in Islamic countries before and during colonization.

# CHAPTER 2

06

## **What Shari'a used as law at the time of Prophet Muhammad (PBUH)**

No. During the life of the Prophet Muhammad(PBUH) and for 150 years after he died, the Shari'a did not exist the way we think of it today. People did not treat Shari'a as a system of laws.

## **Were early Islamic societies governed by Islamic Law?**

No. Early Islamic societies were ruled by caliphs (from Arabic “khalifa”)—such as Al-Khulafa al-Rashidun (the “Rightly-Guided Caliphs”)—and later by kings and emperors. These rulers mixed Islamic ideas with rules that one may consider to be secular that were already in place or that had been the common practice across the society prior to the introduction of Islam. These early Muslim empires did not have what we now call “law”, with the government making laws that apply to all people and enforcing the laws everywhere in the same way. Communities of Muslims applied Shari'a in their own informal ways.

Over time, laws and the structure of governments changed. Some new rulers tried to bring the law closer to Islamic Law—as they understood it at the time, which might have been different from how previous rulers understood it. Others introduced new secular laws based on culture or their personal goals.

## **Did laws in Islamic countries change when they were colonized?**

Yes. Almost all Islamic countries were controlled by European, non-Islamic countries. This was called colonization, and the Islamic countries were called colonies or protectorates of the European nations that controlled them. The European countries in power, such as Britain and France, were called colonial powers. These countries brought their own laws and practices and put them to use in the Islamic countries they controlled. Before colonization, Shari'a was observed by Muslims, but it was not enforced by government. Colonization changed that. Traditional application of Shari'a by communities was replaced by European-style laws that were developed so the government could enforce them.

For example, before colonization, the parties in a legal case would select the madhab (school of thought) they wanted to apply to their case. They would select a judge (qadi) who was an expert in that madhab and present their case. That way both parties gave the judge the authority to make a decision. They knew the judgment was consistent with their own beliefs, and they could accept that the decision of the judge was valid. During colonial rule, that traditional choice was no longer possible. European legal codes were created and applied by the government, according to its own authority. People didn't have a choice in the matter: they had no choice which madhab they wanted to follow or which judge they wanted to consult.

This happened in all fields of law, but it happened differently in family law. Sharia was supposed to continue to apply to family law. Even in family law matters, though, government officials selected particular principles of Shari'a to be turned into laws, based on their own preference. Sometimes the rulers mixed very different views from different scholars, turning them into rules that none of the scholars would accept as valid.

After independence, Muslim rulers continued trying to apply Shari'a as law based on the system they were used to—the colonial system. The result was an Islamic Family Law that is very similar to the European laws from the colonial time. To make these laws more acceptable to people, Islamic governments say that the family law is “Islamic.”

## **Were there secular courts in Islamic countries before colonization?**

Yes. Secular courts existed from the Umayyad period (661-750 CE) and the Abassid period (starting around 750 CE). These secular courts covered many practical issues for the nation, while Shari'a judges dealt with things they considered "religious matters," including family law. In later times, these two legal systems combined into a system in which secular judges consulted with Islamic scholars, as needed. An Islamic scholar, or mufti, could offer a religious ruling, or fatwa, based on his interpretation of Shari'a. A secular judge could then use the fatwa to make a legal ruling.

## **Did colonization change the legal systems in Islamic countries?**

Yes, but not entirely. In the 1800s, colonial powers created secular courts, especially to deal with civil and criminal cases using colonial laws. In colonized countries, Islamic Law and existing secular laws were often replaced by these new colonial laws. In practice, Islamic Law became more limited, often reduced to the field of family law.

Read on to understand how Islamic Family Law is used today.





# CHAPTER 3

09

## **Can Islamic states today claim to be Shari'a?**

No. Islamic countries today apply laws that are based on human interpretation and judgment, even when they are called Islamic Law.

Islamic Law is not Shari'a for several reasons:

- Shari'a is a moral religious system, not a legal system.
- Whenever countries claim to apply Islamic Law, as in IFL, they can only apply the laws rulers select from different interpretations of Shari'a. Some laws are chosen over others because of the ruler's personal preferences or because those rules serve the ruler's political goals. The result would not be considered Shari'a by any madhab (school of Islamic thought).
- Law requires people to do specific things, while the Qur'an says there is no compulsion in matters of faith. Islam gives Muslims the freedom to choose among different views—a choice only the individual believer can make, because in Islam, only the individual is responsible for his or her choices before God.

## **Is there a problem with applying Islamic law in only a few areas, such as family law?**

Yes. Shari'a, whether called Islamic Law or not, contains religious obligations for Muslims—but they must be observed voluntarily. When the government enforces Shari'a rules as law, Muslims lose their freedom to choose from different views—and since they can't choose, they also lose the chance to be rewarded by God for making good choices.

## **Is there a problem with applying Islamic law in only a few areas, such as family law? II**

Another problem is that Shari'a is a system of principles that covers all areas of life. Shari'a takes into account the fact that different areas of life—from work to worship, from community to family life—are connected. Trying to apply Shari'a as Islamic Law in only some areas of life makes those areas distorted. For example, Shari'a guidelines about support of a divorced woman are based on the legal and social relationships between people at a particular time in history. Laws governing legal and social relationships changed over the centuries, though. Trying to apply Shari'a guidelines about support when the relationships have actually changed can lead to serious problems that harm women and families. The result is often also far from showing the fairness and justice that the Prophet Muhammad (PBUH) taught.

For example, Shari'a assumes that men are responsible for supporting the women in their families, including their unmarried and divorced sisters. Today's laws, however, don't make brothers legally responsible for supporting their sisters. If divorced women are not supported by their ex-husbands—and, in some places, are not able to work—and at the same time, male family members are not required to support them, the result is unjust and contrary to Islam.

## **Is there a reason people resist changing family law in Islamic countries?**

Yes. Family law has been used as a “token” that rulers could offer to religious leaders, so the religious leaders wouldn't object to other secular laws, such as those concerning business or usury (interest-based banking and loans). Colonial powers often controlled everything except family law. Even Muslim rulers often have left this area of law to religious scholars as a way to keep peace and gain political support. For that reason, IFL has become a symbol of Muslim religious identity. Even when IFL is unjust toward women, some Muslims feel that giving it up will mean the end of Islam. The battle over IFL has become a battle for Muslim identity, rather than a battle for what is right in principle—or what is truly Islamic.

## **Is the status of women particularly affected by politics in Islamic countries?**

Yes. Because family law has become symbolic, it is often used to show the differences between different groups. People have used the status of women as an example of what they believe in—for example: forcing women to wear headscarves, forcing them not to, or allowing them to choose; giving women the right to vote or giving only men the right to vote; providing schools for girls, allowing girls to attend mixed-gender schools, or forbidding girls from attending school.

Some have argued that it is necessary to stop—and reverse—any movement towards equality for women. They feel Islamic Law should not be abandoned in the one area where, often, it is still used.

Others have argued that abandoning Islamic Family Law is necessary to make Islamic societies more fair for all. Yet both these arguments make the mistake of assuming that today's Islamic Family Law is the same thing as Shari'a and the religion of Islam. In fact, it is all human interpretation.

## **If governments don't apply Islamic law, won't people fall away from Islam?**

No. Current Islamic Law systems are not Shari'a, so they are not truly Islamic in the first place. What's more, whether or not their governments use Islamic Law, individuals should practice Islam and follow their understanding of Shari'a, by choice and conviction—not out of fear of the government. In that case, their choices are not forced by law. Instead, they are guided by faith.

The earliest Muslims did not live under Shari'a law, yet they are considered by most Muslims to be more devout than all the generations that came after them. Their choices were guided by faith—not fear of legal action. Even today, Islam is growing in nations that are not historically Muslim and which do not have governments that claim to be Islamic.

## Could Islamic countries today apply Shari'a across the board as law?

No—and they shouldn't. There are several reasons for this.

- Shari'a is a set of guidelines for living a responsible moral life. It covers how a person can relate to God and to others ethically. It is open-ended and flexible, while law is not. Making Shari'a law changes it.
- The principles of Shari'a do not provide everything needed for a complete legal system.
- Islamic countries today are part of a world system, which is based on a European model of nation-state. This affects political, economic and social relationships within and among Islamic nations. By using this model, Islamic countries take on national and international obligations, such as participation in human rights treaties, the World Bank and World Trade Organization, to name a few. Some international treaties, such as those concerning human rights, reflect the teachings of the Qur'an and the Prophet Muhammad (PBUH). However, they are applied under the authority of international law, not under the authority of Islam. What's more, these agreements are binding on nations—even if some of their provisions violate Shari'a. If Islamic societies were to reject this world system and the European model of nation-state in order to try to live completely in accordance with Shari'a, it would require changing everything from government systems to political boundaries. It would isolate these societies from the rest of the world, economically and politically.

## Is there a place for human will in Islam?

Yes. There is a Hadith of the Prophet PBUH that says "All actions are judged according to intention, and each person receives credit or blame according to her or his intention." Human will and freedom of choice are the foundation of all religious responsibility. That is why children and people with severe mental illness are not considered religiously responsible in Islam. Human will is the very thing that sets people apart from other living things, according to Islamic sources. Human will allows people to make choices and to interpret how they should live their lives. Human will can guide people to moral choices, whether or not there are laws that demand those choices—or forbid them.

## Could Islamic countries today apply Shari'a across the board as law?

No—and they shouldn't. There are several reasons for this.

- Shari'a is a set of guidelines for living a responsible moral life. It covers how a person can relate to God and to others ethically. It is open-ended and flexible, while law is not. Making Shari'a law changes it.
- The principles of Shari'a do not provide everything needed for a complete legal system.
- Islamic countries today are part of a world system, which is based on a European model of nation-state. This affects political, economic and social relationships within and among Islamic nations. By using this model, Islamic countries take on national and international obligations, such as participation in human rights treaties, the World Bank and World Trade Organization, to name a few. Some international treaties, such as those concerning human rights, reflect the teachings of the Qur'an and the Prophet (PBUH). However, they are applied under the authority of international law, not under the authority of Islam. What's more, these agreements are binding on nations—even if some provisions violate Shari'a. If Islamic societies were to reject this world system and the European model of nation-state in order to try to live completely in accordance with Shari'a, it would require changing everything from government systems to borders. It would isolate these societies from the rest of the world, economically and politically.

## Is there a place for human will in Islam?

Yes. There is a Hadith of the Prophet PBUH that says “All actions are judged according to intention, and each person receives credit or blame according to her or his intention.” Human will and freedom of choice are the foundation of all religious responsibility. That is why children and people with severe mental illness are not considered religiously responsible in Islam. Human will is the very thing that sets people apart from other living things, according to Islamic sources. Human will allows people to make choices and to interpret how they should live their lives. Human will can guide people to moral choices, whether or not there are laws that demand those choices—or forbid them.

## Is there a place for human will in Islam? II

In Islam, when people choose to do the morally right thing, it is more highly rewarded than when they have no choice. The Qur'an teaches that there is no compulsion in religion—people should not be forced (by law, coercion or physical force) to follow any part of Islam. Forcing people takes away their choice and prevents them from being able to get closer to Allah through their own choices based on their faith.

## Does human will play a role in law?

Yes. Without free will, there can be no responsibility—no one can be blamed or rewarded for their actions. Human will is a fundamental part of law on all levels.

- Laws exist to limit human will
- Human rulers exercise their wills when they create laws
- Human rulers exercise their wills when they choose how to enforce laws
- Human judges exercise their wills when they interpret laws
- Human beings in all walks of life exercise their wills when they decide whether or not to follow laws

The role of human will is the reason why Shari'a differs so much among Islamic countries.

## Is there a need to transform family law in Islamic countries?

Yes. Some people fiercely hold on to family law as symbolic of their faith, with the mistaken idea that Islamic Family Law is Shari'a. This is not true, however. Current Islamic Law can not be called Shari'a. Applying Shari'a as law changes it, and applying only certain parts of Shari'a causes social problems, such as human rights issues. Family law in Islamic countries today should be guided by fair social policies, as well as Islamic principles that do not distort the Qur'an.

# NOTES

15

## Important Terms in Islam

**Islam:** A monotheistic religion, which teaches that only one God exists. It originated in the Arabian city of Mecca around 610 CE. Muslims see Islam as following from the same monotheistic tradition as Judaism and Christianity. The three religions together are sometimes called Abrahamic faiths, because they trace their history back to the Biblical figure, Abraham(PBUH). According to a 2009 study by the Pew Research Center, Islam is followed by 23% of the world population—over 1.5 billion people.

**CE:** CE stands for Common Era. It is used with the Gregorian (Christian) calendar. CE is a secular term used instead of AD, which stands for Anno Domini and means “The Year of Our Lord”, a Christian-based reference to the birth of Jesus (PBUH).

**Prophet Muhammad (PBUH):** Muhammad(PBUH) (mew-HA-med) was the founder of Islam. Muslims believe he was a prophet and messenger of God, following in a long line of prophets dating back to the Biblical figures Noah(PBUH), Abraham(PBUH) and Moses(PBUH). He was born in the city of Mecca and lived roughly between 570 and 632 CE. Initially a merchant, he began receiving divine revelations at the age of 40. To escape persecution, he and his early followers emigrated to the nearby city of Yathrib, which was renamed Medina. Muhammad’s name is sometimes spelled in different ways, such as Mohamed.

**PBUH:** PBUH stands for “peace be upon him.” The Arabic equivalent (“SAWS”) is sometimes used instead. These phrases are used by Muslims after the name of any prophet, as a way of showing honor and respect.

## Important Terms in Islam cont.

**Allah:** Allah (uh-LA) is the Arabic word that refers to the one God worshiped by Muslims. It is also used by Arab Christians. It is not a proper name in the usual sense, but is similar to the English word “God” which uses an upper-case “G” to distinguish it from “god” or “gods.” In Arabic, the word Allah is gender neutral (neither masculine nor feminine) and can not be made plural.

**Qur’an:** The Qur’an (kewr-ANN) is the holy book of Muslims. It is sometimes also written “Koran.” The Qur’an is written in poetic form in Arabic. It contains 114 chapters, which vary in length from 3 verses to 286 verses. Muslims believe that the Qur’an was revealed to the Prophet Muhammad(PBUH) in a series of divine revelations between 610 CE and 632 CE. During his lifetime, Muslims memorized all the verses of the Qur’an and began writing them down. After Muhammad(PBUH) died, his followers put the verses of the Qur’an together in one book, in the order they are in now.

**Muslims:** A Muslim is someone who believes in only one god (God, or Allah) and believes that Muhammad(PBUH) was a messenger, or prophet, of God. In practice, it also means someone who calls him- or herself a Muslim. The plural of Muslim is Muslims.

**Hadith:** Hadith (ha-DEETH) are stories about what the Prophet Muhammad(PBUH) said and did. They were passed down orally and then written down. These stories are accompanied by isnad (ih-SNAD), a list of narrators—who told the story to whom—going all the way back to the original witness who saw or heard the Prophet Muhammad(PBUH). The isnad allows scholars to evaluate how accurate the story is likely to be.

**Ijtihad:** Ijtihad is the process of making an educated interpretation of Shari’a. In the Sunni (SUE-nee) tradition, the possibility of reinterpreting Shari’a has been considered “closed” since the 900s CE. Interpretations of Shari’a today are limited to ifta (if-TAH), which generally result in fatwas (FAHT-wahs) that reference earlier rulings by one of the major Sunni schools of thought. In the Shi’a (SHE-ah) tradition, the Jafari school of thought continues to allow ijthihad (ij-tee-HAD).



## Important Terms in Islam cont.

**Madhab:** A madhab (MATH-hab, with TH like “than”) is an Islamic school of thought, based on the works of early scholars. In the Sunni (SUE-nee) tradition, these include the Hanafi, Maliki, Shafi’i and Hanbali schools of thought. In the Shi’a (SHE-ah) tradition, the most notable is the Jafari school of thought. Other schools of thought exist, such as Ismaili, Zaidi, Ahmadi, and numerous Sufi (SUE-fee) groups. The plural of madhab is madhahib (math-ah-HEEB).

**Hanafi School of Thought:** Was founded by Abu Hanifa an-Nu’man ibn Thābit (699-767 CE) in Iraq and was one of the first schools of thought to develop and most widespread. It was officially supported by the Abbasid Caliphate earlier; and the Ottoman Empire more recently. The Hanafi school puts the greatest emphasis on reason. It is primarily followed in Afghanistan, Turkey, Iraq, Syrian, Balkan states, Cyprus, Jordan, Sudan, Israel and Palestine, Egypt, the Indian Subcontinent, and Afghanistan.

**Maliki School of Thought:** Founded by Malik ibn Anas (711-795 CE) that grew out of the city of Medina and became one of the first schools of thought to develop and become widespread. The Maliki school differs from the other schools in giving more consideration to factors beyond the Qur’an and Hadith, such as the rulings of the four caliphs that ruled immediately after Prophet Muhammad(PBUH), the agreement of scholars, and widespread customs.

**Shafi’i School of Thought:** Founded by Abu ‘Abdu l-Lah Muhammad ibn Idris (760-815 CE), who was born in Gaza, but the madhab is considered to have started in Cairo, where Imam ash-Shafi’i lived in the last years of his life. A significant tenet of the Shafi’i school is that hadith should only explain the Quran, but can not contradict it.

**Hanbali School of Thought:** Founded by Ahmad bin Muhammad bin Hanbal ( 780-855 CE) and tends to be the most conservative school of Islamic thought. Long considered the least popular of Sunni schools, it was revived from near extinction in the late 1700s by Ibn Abdel Wahhab of Arabia. His followers, often called Wahhabis, are the primary followers of the Hanbali school today.

## Important Terms in Islam cont.

**Ja'fari School of Thought:** Founded by Ja'far ibn Muhammad as-Sadiq (702-765 CE) the Ja'fari school is the primary school of thought among today's Shi'ites. Ja'faris are also known as Twelvers because they recognize twelve divinely ordained early imams, or religious leaders.

**Ismaili School of Thought:** Founded by Isma'il ibn Ja'far (721-755 CE), Ismailis are a minority among Shi'a today. They are also known as Seveners, because they departed from the Twelvers after the seventh imam.

**Zaidi School of Thought:** Founded by Zayd ibn 'Ali (695-740 CE), Zaidis are the Shi'a madhab closest to Sunnis. Zaidis are now found mainly in Yemen and southern Arabia.

### Madhab Map

- **Hanafi:** Afghanistan, Turkey, Iraq, Syrian, Balkan states, Cyprus, Jordan, Sudan, Israel and Palestine, Egypt (Indian Subcontinent, Afghanistan)
- **Maliki:** Sudan, North Africa (from Libya going west) to all of West Africa and east coast territories of Arabia such as Kuwait
- **Shafi'i:** Malaysia, Indonesia, Singapore, the Philippines, Sri Lanka, Maldives
- **Hanbali:** Saudi Arabia United Arab Emirates
- **Ja'fari:** Mainly Iran and Iraq, some in Syria and Lebanon
- **Ismaili:** India, Pakistan, Syria, Saudi Arabia, Yemen, China, Jordan, Uzbekistan, Tajikistan, Afghanistan, East Africa, Syria, and South Africa
- **Zaidi:** Yemen, southern Arabia

**Usul al-fiqh:** Usul al-fiqh (oo-SOOL ahl-FICK) are rules for interpreting the Qur'an and Sunna that were established by Muslim scholars between 700 and 900 CE. For the majority of Muslims, these rules continue to govern how Shari'a is interpreted.

**Islamic Countries:** For the purposes of this text, Prof. An-Na'im defines Islamic countries as those with a majority Muslim population, regardless of the form of government.

## Important Terms in Islam cont.

**Colonization:** European powers—especially Britain, France, and the Netherlands—had control of nearly all countries where Muslims are the majority of the population today. The exceptions were Iran, Turkey and Saudi Arabia. In these three countries, there was strong colonial influence, but there was no military conquest or occupation. The period of European colonialism started as early in the 1700s in some places, such as Indonesia (colonized by the Netherlands) and India (colonized by Britain). However, the effect of colonialism was strongest during the 1800s and early 1900s.

**Secular:** Secular means something that is separate from religion. For example, in many places there are religious holidays (such as Eid al-Fitr, Christmas or Passover) as well as secular holidays (such as New Year's Day or Independence Day).

**Caliph:** Caliph comes from the khalifa, which means “representative.” It is a term that was used for the highest leaders of Islamic government until 1924. The land controlled by a caliph was called a caliphate. Since a caliphate was often a great deal of territory, a governor called an amir (prince) or sultan (authority/ruler) ruled over a smaller area and reported to the caliph.

**Al-Khulafa al-Rashidun:** The term Al-Khulafa al-Rashidun means “the Rightly-Guided Caliphs”. It is a term used by Sunnis to refer to the first four Caliphs (or rulers), who immediately followed the Prophet Muhammad(PBUH) as leaders, ruling from 632 to 661. They were Abu Bakr, Umar, Uthman and Ali. The Shi'a do not accept the first three Caliphs as legitimate. They only recognize Ali and his descendants (from his marriage to Fatima, the daughter of the Prophet PBUH) as rightful Imams and true successors of the Prophet(PBUH).

**Colonies:** Colonies are areas that are under the control of another independent country. For example, India was once a colonies of the UK.

**Protectorate:** A protectorate is an area that is under the political protection of another country. A protectorate usually agrees to certain conditions, which may be minor or may result in virtual control by the other country. For example, Morocco was once a protectorate of France.

## Important Terms in Islam cont.

**Umayyad:** The Umayyad (oo-MAY-id) dynasty was established in 661 CE after the assassination of Ali, the fourth Caliph and first Imam of the Shi'a. The Umayyads ruled from Damascus until they were overthrown by the Abbasid's revolt in 750 CE.

**Abbasid:** The Abbasid (ah-BAA-sid) Caliphate followed the Umayyad dynasty. It began around 750 CE in Harran. Soon after, it moved the capital to Baghdad. The Abbasid Caliphate moved again to Egypt in the 13th Century and finally was succeeded by the Ottoman Empire in the 1500s. For most of this period, the Abbasid Caliph was a figurehead, while the real rulers were provincial chiefs and military commanders.

**Mufti:** A mufti (MUF-tee) is a religious scholar who studies Shari'a and early scholars' writings in order to make a ruling, or fatwa, on contemporary issues. Ifta (if-TAH) is the process by which a mufti makes a religious ruling, usually based on his own understanding of Shari'a and the interpretations provided by at least one major madhab, or Islamic school of thought. Ifta is different from ijtehad, as it does not reinterpret Shari'a.

**Fatwa:** A fatwa (FAHT-wah) is a religious ruling by a religious scholar, or mufti. In Sunni Islam, a fatwa is not considered to be binding on all Sunni Muslims. However, in Shi'a Islam, some fatwas may be considered binding.

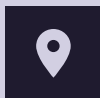
**Token:** When two groups want different things, sometimes the group that has more power gives up a small thing to the group with less power. That way, the group with more power seems to be giving power to the other group. Most of the time, though, the thing that is given to the group with less power is something the powerful group does not view as very important. By giving something up—even something small—the group in power hopes to avoid giving up more important things. In that case, the thing that is given is called a "token." In this case, colonial powers often gave up control of family law—and especially women's rights—so that conservative religious groups would not rebel.

**Nation State:** The nation-state is the widely accepted model used by countries around the world today. A nation-state has independent control of its territory and population. It has its own independent political system and clear borders.



MPV thanks the generous contribution of the Mohhsin and Fauziah Jafaar Foundation for making the original adaptation found on our website possible. The PDF adaptation is made possible thanks to our MPV's generous individual donors.

If you would like to support the development of additional public educational content from Muslims for Progressive Values, we encourage you to make a donation at <https://www.mpvusa.org/donate>



1465 Tamarind Ave, Suite 702, Los Angeles, CA, 90028



info@mpvusa.org



www.mpvusa.org

