

Anthology : The Research Madhyayugeen (Islamic) Philosophy, Law and Culture (Origin, Sources and Establishment)



Naushad Ali Siddiqui

Research Scholar
U.P.R.T.O.U.
Allahabad, India

Abstract

We have at hand today as muslim philosophy, law and culture are an admixture of three concept the originenal,intermediary and modern.quran is evidently in herent in islamic philosophy(law and culture also).shariah or shariat as in pronounced in india means commands(ahkam)of god. The basic source of shariat is quran, which is supplemented by sunna and ahadees .the followers must believe these to be of devine origine, quran and islam. All the muslims follow the furu-e-deen:-namaz, roza, haj, zakat, jihad.ijma, ijthad, fatwas, qiyas are other sources of islamic philosophy, law and culture.

Islamic philosophy, law and culture came to india with islamic invaders who established muslim kingdom in this country.inmughal period out of many,fatwa-e-alamgiri was sort of legislation which prevailed on other authorities like hedaya in those times. One of most significant changes which took place through legislation was waqf laws.

Introduction:

What we have at hand today as Muslim, Philoshpy, Law and Culture, are an admixture of three concept the original (or classical), intermediary and modern. The original concept envisages that Muslim Philosophy, Law and Culture are command of God as revealed to humans through Quran, saying and actions of the Prophet. No human, what ever his spiritual or otherwise status may be, has a right to change attar or amend these Laws and Philosophy.Quranic commands are clear and Primary, while Prophet's actions and sayings (Sunna and Ahadees) are included in the primary category because Quran says that prophet did not speak unless commanded. The utterances being the words of Gods.

Though all the Primary elements of original concept are accepted in totality by the exponents of intermediary and modern concepts, they additionally profess that Muslim Law should be a growing organism.No doubt new problems may emerge, solutions of which could not be found in Quran, Sunna or Ahadees, but golden rule for such situations was given by none other than Prophet himself when he appointed Mu-az as governor of Yaman and asked him how he would give his judgments: by the Book (Quran), replied Mu-az . If you cannot find the answer in the Book? According to Sunna and Ahadees, was his replay. If they are silent too, what would you do? Mu-az submitted utmost care, caution, pondering and using using resoning in the light of all the three primary sources.Mu-az received a pat for this form the Prophet.

The third reply of Mu-az is pure and simple definition of Ijtihad (not Qiyas), which was approved by the Prophet. Two conditions must be fulfilled –first being that for reaching the final judgment; it must be with utmost care and caution with application of analytical reasoning, intelligence and understanding (Fahem) and second being adhering to Quran ,Sunna and Ahadees at every step. For this reason, very exclusive knowledge of Quran, Sunna and Ahadees is a condition precedent, because the judgment should be within these parameters.

Quran presents a concept of just and civilized society for which broad principles are laid down in the Book, which encompasses all individual human actions within the society, besides they also govern interactions between different societies. These rules are basic in nature and foundation of Shariat and as such primary of Quran is evidently in herent in Islamic Law.