

INTRODUCTION TO SHARIAH (PART 1 OF 2)

Rating: 5.0

Description: The lessons cover the basics of Shariah and fiqh that are necessary to understand the inner workings of Islamic rules and regulations.

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Objectives:

- To learn the definition of *Shariah*.
- To appreciate the scope of Shariah.
- To learn six unique features of *Shariah*:
- To learn about the sources of *Shariah*.

Arabic Terms:

- Fiqh* – Islamic jurisprudence.
- Istihsan* - juristic preference.
- Jihad* - a struggle, to exert effort in a certain matter, and may refer to a legitimate war.
- Maslahah mursalah* - public interest.
- Shirk* – a word that implies ascribing partners to Allah, or ascribing divine attributes to other than Allah, or believing that the source of power, harm and blessings comes from another besides Allah.
- Qiyas* – analogy.
- Shariah* – Islamic Law.
- Sunnah* – The word *Sunnah* generally refers to whatever was reported that the Prophet said, did, or approved of.
- Urf* - custom.
- Zakah* – obligatory charity.

What is *Shariah*

“*Shariah*” is a misunderstood word second to ‘Jihad’ and is usually translated as ‘Islamic Law.’ An incomplete translation leads to much confusion. Therefore, we must first understand the meaning of the term.



In essence, “*Shariah*” refers to what Allah has legislated for His slaves,^[1] whether it be beliefs, practice, worship, or morals. It is the totality of Allah’s commands.^[2] Another author defines ‘*Shariah*’ to be the ‘commands, prohibitions, guidance and principles that God has addressed to mankind pertaining to their conduct in this world and salvation in the next.’^[3]

Shariah includes the following^[4]:

1. Creed: including the oneness of Allah, rejection of *shirk*, belief in Angels, Divine Scriptures, Prophets, and the Last Day.
2. Ethics: being true, trustworthy, keeping promises, and rejection of immorality like lying, breaking promises, etc.
3. Religious Practices: matters related to worship and dealing with fellow human beings including specific crimes and their punishment.

In short, *Shariah* guides all aspects of Muslim life, including daily prayers, marriage, divorce, family obligations, and financial dealings.

Unique Features of *Shariah*

1. ***Shariah* comes from Allah.** It is Allah’s revelation to His Prophet Muhammad, either directly in the form of the Quran or indirectly in the form of *Sunnah*. This in turn means:
 - a. The principles of *Shariah* are free of injustice and are not subject to human discretions. An example is the equality of human beings regardless of their color, gender, or language. They are only ‘distinguished’ from each other based on their good works!
 - b. *Shariah* is to be upheld by all believers, whether they are rulers or the ruled because it is from Allah. An example is the prohibition of drugs and alcohol; it is forbidden upon all without exception.
 - c. *Shariah* promises the doer of good works great rewards in this life and in the next, and warns the sinner of a grave punishment in this life and the next.

The recompense of the life to come is tied to living by and applying *Shariah* in one's daily life in matters like ablution, prayer, and zakah.

2. ***Shariah* is timeless and universally applicable.** We believe that *Shariah* is suitable and applicable for all times and places.

3. ***Shariah* is comprehensive.** It includes matters of belief, Islamic ethics, and rules governing speech and action. The rules governing speech and action are called "*fiqh*" or Islamic jurisprudence and can be further subdivided into the following categories:

a. Worship like prayer and fasting. It governs a person's relation to his Lord.

b. Human relationships that include personal, civil law, financial law, law of war and peace, and criminal law.

4. ***Shariah* is humane.** It brings ease and removes hardship which is a natural consequence of its comprehensiveness and perfection. Allah says,

"...Allah desires ease for you and does not desire hardship for you..."(Quran 2:185)

Therefore, *Shariah* eases an obligatory duty when performing it causes an excessive hardship and it temporarily allows a prohibited action when there is a dire need for it^[5].

"...But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], there is no sin upon him. Indeed, Allah is Forgiving and Merciful." (Quran 2:173)

An example of a hardship that would ease an obligatory duty is if one falls ill or is travelling, they can break their fast.

5. ***Shariah* is based on justice.** What is meant is not only a judge applying the law fairly to everyone, but the law itself being just. That is a natural consequence of its divine source. True justice should establish an equilibrium by way of fulfilling rights and obligations and by eliminating excess and disparity in all spheres of life. The standard of justice in the Quran is referred to in some fifty passages. People are urged to be just to others at all levels, whether personal or public, in words or in conduct, in dealing with friends or enemies, Muslim or non-Muslim, all must be treated with justice. Allah says in the Quran,

"We sent Our messengers with evidences and revealed the Book and the balance through them so as to establish justice among people..." (Quran 57:25)

6. ***Shariah* promotes moderation.** Allah says in the Quran,

“And thus We have made you a nation that is moderate in nature (free from excesses and shortcomings)...” (Quran 2:143)

The rules of Shariah are the middle path between the extremes. An example is Islamic finance which is between socialism and free capitalist economy.

Sources of *Shariah*

The primary source of Shariah is Allah’s revelation.^[6]

“Indeed We have sent revelation to you (O Muhammad) just as We had sent revelation to Noah and the prophets after him...” (Quran 4:163)

Allah’s revelation to Prophet Muhammad is of two types:

- a. Allah’s Word, the Quran. It’s meaning and words both are from Allah.
- b. The *Sunnah*, whose meaning is from Allah, but the words are from Prophet Muhammad. Some of the *Sunnah* are decisions made by the Prophet that Allah confirmed, and some *Sunnah* are the Prophet’s understanding of the Quran. *Sunnah* means the teachings of Prophet Muhammad contained in his words and actions that have been passed down to us.

Some of the secondary sources of Shariah are *qiyas* (analogy), *istihsan* (juristic preference), *maslahah mursalah* (public interest) and *urf* (custom).

Footnotes:

[1] *Al-Madkhal li-Dirasa al-Sharia al-Islamia* by Abd al-Karim Zaidan p.38

[2] *The Schools of Islamic Jurisprudence: A Comparative Study* by Mohammad Hamidullah Khan, p. 5

[3] *Shariah Law: An Introduction* by Mohammad Hashim Kamali, p. 14

[4] *Al-Madkhal ila al-Shariah wa Fiqh al-Islami* by Dr. Umar al-Ashqar, p.18. Also see *Al-Madkhal li Dirasa Shariah al-Islamiyya* by Nasr Farid Wasil, p. 15-16.

[5] A dire need is a need that reaches a “life and death” situation; such as starving to death and finding nothing to eat but something that is prohibited.

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