

do arise in some matters. For instance, the laws of inheritance in Shariah are distinct from those in Common Law. In this case, Muslims have utilized means provided by the Common Law, such as writing wills in accordance with Shariah, in order to be faithful to their religion while following the law of the land.

Peaceful coexistence is mandated by Shariah. When a Muslim lives in the U.S., they are doing so while agreeing to follow the law of the land and this agreement is binding upon them according to Shariah. In the Quran, God commands Muslims to fulfill their covenants: *“O you who have believed, fulfill (all) contracts.”* (5:1) God also commands Muslims, *“Fulfill your agreement with them to the end of their term. God loves those who are mindful of Him.”* (9:4)

Therefore, attempts to outlaw Shariah are not only absurd, they can potentially alienate millions of peaceful, law-abiding Muslims currently living in America. After all, Shariah safeguards essential rights such as acts of obligatory worship, instructs Muslims regarding their dietary regulations, and encourages them to be pious, truthful, and tolerant individuals. Misguided efforts to outlaw Shariah would in fact impede Muslims from practicing the very basics of their religion, from praying and fasting to consuming food according to Islamic guidelines. Hence, these anti-Shariah bills are far from securing Americans from an impending threat and actually infringe upon the rights of the American Muslim community.

Contrary to its distorted image, Shariah is a comprehensive social and legal system which is an integral part of a Muslim’s life. Its guiding principles are based on mercy and compassion and its core objectives are designed to achieve benefit and justice, on an individual as well as collective level.

To learn more about Shariah, visit our website at www.whyislam.org

Mercy and compassion are the essence of Shariah, which is designed to protect all members of society and to improve the condition of humanity. It is reported that the Prophet Muhammad (pbuh) said, “Show mercy to those on earth, so that He who is in the Heavens (God) will show mercy to you.”



Questions about Islam? or would you like to:

- Visit a Mosque?
- Get a free copy of the Quran?
- Correspond with our email team?
- Speak with others on our Message Board?
- Embrace Islam?

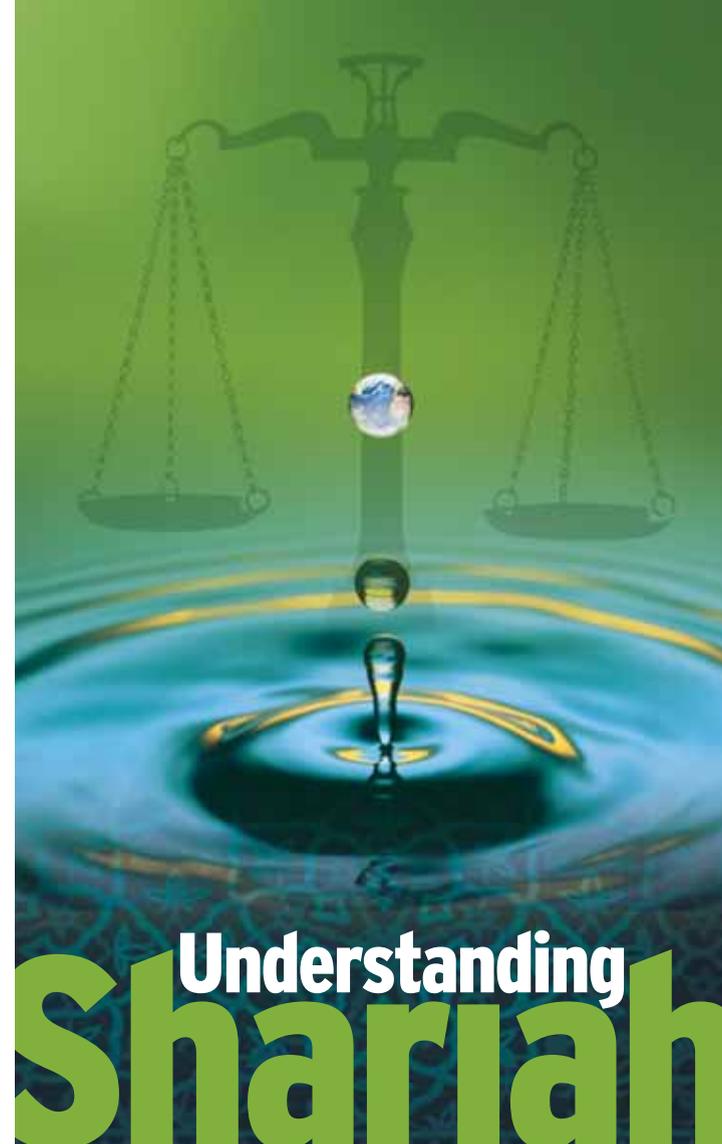
Call toll free 1.877.WHY.ISLAM
or visit our website at www.whyislam.org

Like us on www.facebook.com/whyIslam
Follow us on www.twitter.com/whyIslam
Subscribe to us on www.youtube.com/whyIslam



P.O. Box 1054, Piscataway NJ 08855-1054

LOCAL CONTACT:



1.877.WHY.ISLAM
www.whyislam.org

AN ICNA PROJECT

In the Name of Allah, the Most Gracious, the Most Merciful

Shariah is the practical guidance Muslims live by. It is rooted in the divine teachings of Islam and relates to all aspects of life. Its collective aim is to facilitate benefit for humanity in this life and the hereafter.

The newest buzzword these days is ‘Shariah.’ As several states scramble to pass legislation to outlaw Shariah, a hyped fear and persistent confusion surrounds this loaded term. Most people who speak passionately against Shariah do not, in reality, understand it and often reduce it to merely a penal code. This introduction describes the universal principles of Shariah and its holistic approach. It further highlights misconceptions about Shariah in order to address the concerns currently surrounding this topic.

Shariah is an integral part of Islam. It is often defined as ‘Islamic law,’ causing one to assume that it consists mostly of criminal rulings and penalties. However, Shariah encompasses much more than the conventional understanding of law. While Shariah provides the legal framework for the foundation and functioning of a society, it also details moral, ethical, social and political codes of conduct for Muslims at an individual and collective level.

Islam is a faith that every prophet sent by God preached to his people, culminating in the message brought by the final prophet, Muhammad, peace be upon him (pbuh), in the 7th century in Arabia. Prophet Muhammad (pbuh) called people towards the belief in one God and encouraged them to be just and compassionate to one another. In Islam’s holy book, the Quran (also spelled ‘Koran’), God explains that he sent Muhammad (pbuh) as a source of mercy for humanity: *“And We have not sent you, [O Muhammad], except as a mercy to the worlds.”* (21: 107)

His mandate for mercy is symbolic of the overall

message of Islam. The Quran states, *“O mankind! There hath come to you a direction from your Lord and a healing for the (diseases) in your hearts, and for those who believe, a guidance and a Mercy.”* (10:57)

In the same spirit, the essence of Shariah is also characterized by mercy and compassion. The very purpose of Shariah is to facilitate the individual and the community to establish a relationship with God and one another. Its rules and regulations are designed to benefit and protect all members of the society. God declares in the Quran, *“O you who believe! Stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin...”* (4:135)

According to Ibn al-Qayyim (d. 1350), one of the great scholars of Islam, “The Shariah in its entirety is justice, mercy and benefit. So any issue that leads from justice to injustice, or mercy to its opposite, or benefit to harm, then it is not from the Shariah, even if someone thought that it is.”

Shariah is an Arabic word that literally means a ‘vast road leading to an uninterrupted source of water.’ Figuratively, it refers to a clear, straight path, as mentioned in the following Quranic verse: *“Then We put you, [O Muhammad], on a **straight way** concerning the matter [of religion]; so follow it and do not follow the inclinations of those who do not know.”* (45:18) Hence, Shariah is the practical guidance Muslims live by. It is rooted in the divine teachings of Islam and relates to all aspects of life. Its collective aim is to facilitate justice and benefit for humanity in this life and the hereafter.

Shariah is derived from the scholarly study of Islamic texts. These texts include the final revelation from God (Quran) and the recorded teachings of Prophet Muhammad (Sunnah) which are timeless and of divine origin. However, scholars derive specific rulings from the revealed texts by using human effort and interpretation, taking into account the surrounding context.

As such, Shariah relies on scholarly consensus, legal analogy, and interpretive reasoning in deciding rulings. Hence, there are areas of Shariah where the scholars unanimously agree due to clearly defined evidence and areas where disagreements exist. This flexibility enables Shariah to maintain its applicability and relevance in the light of changing social, cultural, and historical circumstances, while remaining faithful to the guiding principles of Shariah and its core objectives.

OBJECTIVES OF SHARIAH

To fulfill its intrinsic goal of achieving benefit and justice, Shariah sets forth certain timeless principles, which deal with the necessary, supplementary, and voluntary realms of human lived experience.

Firstly, Shariah preserves basic human rights in order to maintain harmony in society. This necessary protection applies to all members of society, irrespective of their race, religion, or ethnicity. These rights are classified as **faith, life, progeny, property, and intellect**. These fundamental protections ensure freedom of religion, affirm the sanctity of life, validate the importance of family, guarantee the security of assets, and uphold the power of reasoning.

As with any liberties, certain provisions in Shariah open avenues for advancement whereas some are designed to keep people from stepping over the rights

of others. In his essay titled “The Objectives of Shariah,” Dr. Mohammad Hashim Kamali, former professor of law at the International Islamic University of Malaysia, explains that Shariah encourages work and trade so that individuals are able to earn a living. Similarly, Shariah urges the pursuit of knowledge and education to ensure the intellectual growth and development of people. On the other hand, theft is punishable because it threatens the inherent right of property. In addition, adultery and alcohol consumption are prohibited because the former violates the sanctity of the family unit and the latter has the potential to impair one’s intellectual capacity, leading to the abuse of other people’s rights.

After securing these necessities, Shariah supplements them by removing hardships. God states in the Quran, “*God wants ease for you, not hardship.*” (Quran 2:185) He also says, “*And He has imposed no difficulties on you in religion.*” (Quran 22:78) The permissibility of hunting for food and profit sharing, for instance, are concessions which facilitate human life. Likewise, the prohibition of exploitative or doubtful contracts prevents harm.

Furthermore, God assures, “*... if one is forced by necessity, without willful disobedience, nor transgressing due limits, then he is guiltless, for Allah is Oft-forgiving, Most Merciful.*” (Quran 2:173) This has given rise to the Islamic legal principle, ‘Necessities make the prohibited permissible.’ For instance, fasting during Ramadan is obligatory. Yet, if someone cannot fast due to a medical reason, they may skip the fasts in that month and compensate for them through alternatives outlined in Shariah.

Lastly, after protecting the essential rights of people and granting complementary concessions, Shariah focuses on additional and voluntary factors that enhance and refine life. For instance, fasting outside of Ramadan is added worship which falls under this category. Developing good habits and perfecting one’s interpersonal skills are also extra deeds. Similarly, desires and comforts which beautify life, such as fine clothing, nice furniture, and delicious food, are incorporated here, provided one does not indulge in them at the cost of their physical and spiritual health.

The necessary, supplementary, and voluntary principles within Shariah all seek to promote its primary objective: to achieve benefit. In its broadest sense, benefit encompasses this life and the afterlife, the individual as well as the society, the present and the future. Human intellect requires the comprehensive knowledge and guiding wisdom of God to achieve this benefit in its entirety. Indeed, God has ordained Shariah for the benefit of His creatures and it exemplifies His Mercy.

A WAY OF LIFE

Shariah is much more than ‘Islamic law’ because it is not limited to legal issues. While it covers areas of contracts, family law, and international relations, it also includes a social system that encourages the just and generous treatment of neighbors, the preservation of the environment, and caring for the poor and oppressed, along with personal acts of worship such as prayer, fasting, and charity. In fact, Shariah contains a detailed code of conduct. Here are some examples from the Quran (final revelation of God) and Sunnah (teachings of Prophet Muhammad, pbuh):

Quran

“*And speak good words to all people.*”(2:83)

“*The servants of the Lord of Mercy are those who walk humbly on the earth, and who, when the foolish address them, reply, ‘Peace.’*”(25:63)

“*God loves those who seek to purify themselves.*”(9:108)

“*... whoever pardons and makes reconciliation – his reward is [due] from Allah. Indeed, He does not like wrongdoers.*”(42:40)

“*... those who are patient and do righteous deeds; those will have forgiveness and great reward.*”(11:11)

Sunnah

“The believer does not defame, abuse, disparage, nor vilify.”

“You do not believe until you love for your brother (in faith and in humanity) what you love for yourself.”

“The world is green and delightful and God has put you in charge of it and is watching how you behave.”

“Show mercy to those on earth so that He Who is in Heaven (God) will show mercy on you.”

“Make things easy on people and do not make them difficult, and cheer people up and do not put them off (by your behavior).”

In addition, Shariah seeks to protect all the vulnerable segments of society. The following is a brief list of these:

- Women have the right to education, to marry someone of their choice, to divorce, to work, to own and sell property, to vote as well as to participate in civic and political engagement, and to be protected by the law.
- Zakah, an obligatory charity, is collected from individuals who fall above a specific income bracket, amounting to 2.5% of their wealth. This money is redistributed to eight different groups of needy people and institutions, starting with the local needs first.
- Children have rights that Shariah protects, including the right not to be abused. When parents get a divorce, custody is granted according to the child’s benefit.
- Caring for the poor, orphans, widows, and the elderly is a collective responsibility of the community.
- Animals are to be treated with kindness, and cruelty towards them is a grave sin.

The primary theme in all of these examples is the individual and collective effort to achieve benefit in material, moral, and spiritual spheres of life through mercy and compassion.

MISCONCEPTIONS ABOUT SHARIAH

Many people think Shariah forces Muslims in America to reject the U.S. Constitution while others openly assert that American Muslims want to replace the U.S. Constitution with Shariah. In reality, this is not true. Shariah actually demands that Muslims follow the law of the land. This command is binding so long as they are not forced to commit an irreligious act or prevented from fulfilling their religious duties. Thankfully, this is not the case in the U.S. because the Constitution protects freedom of religion.

In fact, the U.S. Constitution and Shariah have much in common. The Constitution begins with, “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution of the United States of America.” These stipulations are very similar in nature to the objectives of Shariah, as described above. In addition, Shariah is comparable to the laws of other religious communities, such as Jewish customs in terms of dietary restrictions, aspects of ritual purity, and a detailed code of conduct.

As any other faith-based community in America, Muslims may disagree with certain laws enacted by the majority, and may exercise their right to peaceful persuasion, in order to bring about a change. However, this free and peaceful expression of ideas can hardly be deemed a threat, given that the Constitution itself guarantees this right for every individual under the First Amendment. Indeed, a healthy attitude toward differences of opinion is a source of enrichment for our common culture.

The aspects of Shariah related to a Muslim’s ability to practice Islam, such as prayer, fasting, and charity, do not conflict with Common Law. However, differences