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Lesson 21: The Shari'a

1. The Place of Shari'a in Islam

The word "*shari'a*" literally means "a way." In Islamic terminology, it means the legal system of Islam. It is normally translated as the laws of Islam or the Islamic laws.

Islam is a *din*—religion. The word din bears a concept wider and more comprehensive than the word `religion'. It means believing in the fundamentals as well as living according to the Islamic laws. This concept of religion is beautifully conveyed in the terms used by Islamic scholars to describe the fundamental beliefs and the practical laws of Islam. The "beliefs" are described as "*usūlu 'd-dīn* — the roots of religion". The "sharī'a laws" are described as "*furū'u 'd-dīn* — the branches of religion". Beliefs without practice is incomplete Islam; and practice without belief may be useful in this world but not of much use in the hereafter.

The sharī'a is a complete way of life; no aspect of human life is outside its domain. Islam expects a Muslim to follow its laws in every aspect of life: personal and familial, religious and social, moral and political, economic and business, etc. After all, "Muslim" means one who submits to God. The Qur'ān says,

"When Allah and His Messenger have decreed a matter, it is not for any believing man or believing woman to have a choice in their affairs. And whosoever disobeys Allāh and His Messenger has gone astray into clear error." (***33:36***)

2. The Need for the Sharī'a

Man's nature dictates that he can only function properly within a society. Human beings are interdependent by nature. This interdependency of human beings on each other is beautifully expressed in the following passage:

"The baker told me to bake my own bread; the tailor told me to cut and sew my own clothes; the

shoemaker told me to make my own shoes; similarly, the carpenter, the engineer, the farmer, and all the labourers and workers told me to do everything by myself. It was then that I looked at myself and realized that I am naked, hungry and powerless with no shelter over my head, waiting for death to overcome me. It was then that I realized that I cannot survive without my fellow human beings; my survival depends on living in the society."[1]

A society, however, depends for its existence on laws and regulations. If there are no laws in a society, it is overtaken by the law of the jungle: the struggle for existence and the survival of the fittest. So the need for laws to regulate the lives of human beings is beyond any doubt.

Islam teaches that because of the imperative need of laws for a civilized society, God has sent a series of messengers and prophets with divine laws for man's guidance from the very first day of his creation. The last Messenger was Prophet Muhammad (may peace and blessings of God be upon him and his family) who brought the final and the perfect set of laws, Islam, as a guide for mankind till the end of time.

Many people think that there is no need for God-made laws, we can make laws by ourselves. Islam believes that a human being is a very sophisticated creature; and since he has not made his own body, nor did he create the world in which he lives, he, therefore, is not the best candidate for making laws about himself. Common sense says that when you buy a complicated piece of equipment, like a computer, you should use it according to the 'instruction manual' prepared by the manufacturer of that particular machine. To learn the computer by trial and error is not the smart way. Similarly, God as the Creator of man and the earth knows better how the human being should live.

The 'instruction manual' that God sent for us is known as the Qur'ān. But the human being is not just any ordinary machine; rather he is more complicated than the most advanced computer a human can ever produce. So God did not only send the Qur'ān—He also sent an instructor known as Prophet Muhammad. The Prophet of Islam brought the Qur'ān to us and also provided practical examples in how to conduct our lives. According to Shi'a Islam, after the Prophet, the Imams of Ahlu 'l-bayt are the protectors of the Qur'ān and the interpreters of its laws.

3. The Superiority of God-made Laws over Man-made Laws

At this point, I would like to show the superiority of Islamic laws over man-made laws. Man-made laws are by necessity influenced by the law-makers' social and racial biases. The United Nations Organization is the best example of how policies are enforced only when it suits the interest of the super-powers. The rule of the game in man-made laws is not honesty and justice, it is "the might is right".

God-made laws are superior because of the following facts:

- God is above class status;

● God is above racial prejudice;

● God is above gender rivalry;

● God, as the Creator, fully knows humans as well as the world in which they live.

God-made laws will be just and based on fully informed decisions. Let me demonstrate the superiority of God-made laws by using the example of capital punishment.

The secular system always swings according to the mood of the people: sometimes, the people feel that capital punishment for murder is not right and so they pressure their representatives to vote against capital punishment. But when crimes rates increase and serial murder cases occur more frequently, public opinion changes and the legislators are influenced in favour of capital punishment.

Actually both sides of this issue reflect the Judeo-Christian basis of the Western society. Judaism, on the one hand, insists on the principle of justice which demands "an eye for an eye". On the other hand, Christianity promotes the principle of mercy by saying "turn thy other cheek."

Islam, the final version of God-made laws, takes a balanced look at the issue of capital punishment and has beautifully accommodated both the principles of justice and mercy in its system. The Western system did not realize the difference between the two principles of justice and mercy: while justice can be demanded and legislated, mercy cannot be forced or made into a law. You can always plead for mercy but you can never demand mercy.

Islam takes this difference into full consideration, and, therefore, it talks about capital punishment on two different levels: legal and moral. On the legal level, it sanctions the principle of justice by giving the right of retaliation to the victim. But, immediately, the Qur'ān moves on to the moral level and strongly recommends the victim to forgo his right of retaliation and either to forgive the criminal or to settle for monetary compensation. This issue has been clearly mentioned in the following verse of the Qur'ān:

***In it* (*the Torah*)*, We wrote to them: "A life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and there is retaliation for wounds." But* (*before you act according to your right, remember that*) *whosoever forgoes* (*his right of retaliation*)*, it shall be expiation for him* (*against his own sins*)*.* (*5:45*)

Thus Islam has very beautifully provided the legal safeguard for human life on the social level and also encouraged mercy from a moral point of view on the individual level. If human beings are left on their own in this issue, they will always swing between the two extremes of justice and mercy—only Islam, the final version of God-made legal system can accommodate both these principles.

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This lesson is based on *An Introduction to the Sharī'a* by Sayyid M. Rizvi

Question Paper on Lesson 21

Question 1: [15 points]

True or False:

(a) Islam is just a system of beliefs.

(b) “Dīn” means a complete way of life.

(c) Sharī‘a is a way charted by the ummah.

(d) Islam is a religion of justice with no room for mercy.

(e) God-made laws are just and unbiased.

Question 2: [20 points]

Explain in your words the shortcoming in man-made laws.

Question 3: [15 points]

The need for laws is for the survival of a “civilized” society. Explain in your own words the importance of the social aspect of human beings and their interdependence on one another.

1. Jurdīq, G., al-Imām ‘Ali: sawtu 'l-`adālati 'l-insāniyyah, vol. 5 (Beirut) p. 14.

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