

The Tendency of Rationalizing The Shari'ah Laws

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Why we have to pray five times a day? Why dogs and pigs are regarded as ritually impure animals? Why an animal slaughtered un-Islamically is forbidden and ritually impure? These are but a few of the many questions asked by our youths about the shari' ah laws. They want to rationalize every law of the shari'ah; they want to know the reason and purpose of the legislation of these laws.

This chapter deals with this tendency and attempts to explain the validity or otherwise of such a trend. Before explaining the validity or otherwise of rationalizing the shari' ah laws, I would like to clarify the fundamental attitude of a Muslim towards the shari'ah.

The Scope of Rationalization

Islam is a *din* -religion. *Din* means a complete way of life consisting of beliefs and laws (both legal and moral). To find the Islamic attitude about understanding religion, we have to study the Qur' an and the sunnah. In the Qur' an and the sunnah, we find two different attitudes towards two different aspects of *din*. These two aspects of *din* are:

- (a) the fundamental beliefs known as *usul ' d-din* -- the roots of religion,
- (b) the shari' ah laws known in general as *furu' u ' d-din* -- the branches of religion.

As for the "roots" of religion, Islam expects the Muslims to hold their belief in the fundamentals of their religion after attaining conviction of their truth through examination and reflection. The Qur'an clearly condemns those who follow others blindly in matters of beliefs:

There is no compulsion in the religion (of Islam because) truly the right path has become clearly distinct from error. (Surah al-Baqara, 2:256)

Again the Qur'an says:

And when it is said to them, "Come to what Allah has sent down, and (to) the Messenger," they say, "Enough for us is what we found our fathers doings." What, even if their fathers had knowledge of naught and were not rightly-guided? (Surah al-Maaida, 5: 104)

This strong condemnation of the idol-worshippers for following their fore-fathers blindly has been repeated elsewhere:

And when it is said to them, "Follow what Allah has sent down," they say, "No, but we will follow such things as we found our fathers doing." (Surah al-Baqara, 2: 170; Surah Luqman, 31:20)

Islam says that one may consider the views and opinions of others, but that one should only accept that which is reasonable to believe:

"So (O Muhammad) give good tidings to My servants who give ear to the word and follow the fairest of it. Those are the ones whom Allah has guided, and those are men possessed of minds." (Surah az-Zumar, 39: 17)

Likewise, in the books of ahadith we find the Prophet and the Imams of Ahlul-Bayt using intellectual arguments in matters of belief to convince their opponents or the seekers of truth. This itself is an example and sunnah for the Muslims to base their belief on understanding and conviction.

But as for the "branches" of religion, Islam expects absolute obedience from the Muslims. The reason for this expectation is very obvious: Once a person has believed, by his own free-will, in Allah as the Creator and the Wise Author of laws, in Muhammad as the infallible Messenger of Allah, and in the Qur'an as the authentic message of Allah—then it follows as a necessary consequence that he must adhere to the shari'ah laws.

This absolute obedience about the shari'ah laws can be inferred from the following verses:

"It behooves not a believing man and a believing woman that they should have any choice in their affairs when Allah and His Messenger have decided a matter; and whosoever disobeys Allah and His Messenger, he surely has strayed off a manifest straying." (Surah al-Ahzaab, 33:36)

"O you who believe! Do not take precedence before Allah and His Messenger (in shari'ah matters), and fear Allah; surely Allah is Hearing, Knowing." (Surah al-Hujuraat, 49: 1)

"O you who believe! Obey Allah, obey the Messenger and those who are in authority among you (i.e., the Imams)." (Surah an-Nisaa', 4:59)

"We have not sent a Messenger but to be obeyed." (Surah an-Nisaa', 4:64)

To summarize: In Islamic beliefs, a Muslim is expected to believe only after reflection; and in Islamic

laws, he is expected to follow them without any reservations.

The Categories of Shari' ah Laws

Now we come to the problem that why such and such law of the shari'ah was legislated. Considering the reasons and purposes of the laws, the shari'ah can be divided into four categories:

1. The laws whose **reasons and purposes are self evident**: For example, helping the needy is highly recommended; killing is forbidden; lying is evil; paying taxes like khums and zakat is obligatory. One does not need any expertise or extraordinary intelligence to know that helping the needy is good, paying taxes is necessary for preserving the financial equilibrium in the society; and that killing and lying is evil.
2. The laws whose **reasons and purposes have been explained in the Qur'an and hadith**: For example, intoxicants are forbidden, interest is prohibited, fasting in Ramadhan is obligatory and prayers are a must.

The Quran and hadith have said that intoxicant is one of the main causes of evil because an intoxicated person is no longer in control of himself. Although it took the world a long time and a bitter experience to realize the wide-spread harm of drunkenness, Islam declared its harm and evil fourteen centuries ago by saying

"its sin is greater than its profit." (Surah al-Baqara, 2:219)

Interest is forbidden in Islam. The Qur' an and hadith have explained the harm of interest. Interest leads to destruction of the poor section of the society, and all wealth gravitates towards the already wealthy group.^{[1](#)}

Fasting is a physical and spiritual training which brings the servants of Allah (SWT) nearer to Him and makes them more obedient to the shari'ah.

Prayers is a means of expressing our gratitude to Allah (SWT):

"O you who believe! Eat of the good things that We have provided you with and thank Allah." (Surah al-Baqara, 2: 172);

it is an important way of achieving peace of mind:

"surely by Allah's remembrance are the hearts set at rest." (Surah ar-Ra'ad, 13:28);

and it is also a very effective method of making the believer more obedient to the laws of Islam:

" surely the prayer keeps (one) away from indecency and evil." (Surah al-Ankaboot, 29:45)

There are many ahadith of our Imams explaining the reasons and purposes of many laws of the shari'ah.

Shaykh as-Saduq, the famous Shi'ite scholar, has collected many of these ahadith in his '*Ilalu 'sh-Sharaya*'.

3. The laws whose reasons and purposes have not been explained in the Qur'an or hadith, but the rising horizon of human knowledge have helped in understanding their purpose and usefulness. For example, why pork is forbidden²; why circumcision is highly recommended by the shari'ah, and why only the fish which have scales is permitted in Shi'ah fiqh.

For the benefit of circumcision, we quote Sherman Silber who says that: "There are a number of reasons why circumcision is beneficial and why it ought best be performed in infancy. First, it prevents cancer of the penis in later life. Cancer of penis generally occurs when there has been carelessness in taking care of one's foreskin. A second benefit of circumcision is that the wives of circumcised men are less commonly afflicted with cancer of the cervix. The most common benefit of circumcision is that it prevents accumulation of oils and secretions (called smegma) under the foreskin, which lead to infection, swelling, and sometimes contraction of the foreskin so the tip of the penis is trapped inside."³

About the fish, it has been said that the fish that do not have scales are harmful to human beings. Based on that research, American troops in the east were directed that "tropical marine fishes without scales were to be left alone."

It must be mentioned here that the reasons of the shari'ah laws which have been discovered by human knowledge cannot be regarded as the actual reason (*ratio legis*) for the legislation of those laws, because the human knowledge is still in its infancy whereas Islam, the final shari'ah of Allah (SWT), is to stay in practise up to the end of this world. However, the scientific facts can be used to explain the usefulness and benefits of the shari'ah laws.

4. The laws whose reasons and purposes have neither been explained in the Qur'an and hadith, nor the new advancement in human knowledge has been able to explain them: For example, why four rak'ats (cycles) in noon, afternoon and night prayers while only three in evening and two in *subh* prayers.

The Right Approach

As far as the first three types of shari'ah laws are concerned, there is not much problem in explaining their reasons and purposes. The problem arises when one starts to rationalize the laws which come under the fourth category.

On the laws of the fourth category, the only thing which can be said is that a Muslim should have complete faith that there surely are useful purposes in these types of laws. The purpose can be of material or spiritual nature, or both. Why should we have such a confidence in these laws of the shari'ah?

Because, we, the Shi'ah Ithna 'Ashari Muslims, believe that all the actions of Allah (SWT) have purpose,

and that they are for the benefit of human beings; and this includes the laws of the shari'ah.⁴ On basis of this belief, we must have confidence that all His laws (including those whose purposes are still unknown to us) have a purpose and benefit for human beings.

One more thing which must be clarified at this point is that it is not only the responsibility of the '*ulama*' (the scholars of Islamic religious sciences) to discover and explain the purpose and reason underlying the shari'ah laws. Their primary duty is to explain the shari'ah laws to the people. The responsibility for discovering and explaining the purposes of the shari' ah laws must equally be shared by the Muslim intellectuals who are experts of modern science.

Unfortunately, very few of the Muslim intellectuals are interested in this aspect of the shari'ah, and those who are interested lack the knowledge of the Qur'an and hadith. A bridge must be built between the religious and worldly sciences; and, thanks be to Allah, some small steps in that direction have been taken in last few years.

The belief that although we might not know the reason and purpose of a certain shari' ah law, it surely has a good reason and useful purpose behind it can be understood from the following episode in the Qur' an. This episode also shows that if we are made aware of its reasons, we would readily admit that it was the very right thing to do.

One day while preaching to his people, Prophet Musa (a.s.) thought about himself that Allah has given him a great privilege and that he is the most learned among the mankind. Allah was not pleased with even such a slight indication of pride in Musa's mind, and so Jibrail was sent to inform Musa that there is a person, among the servants of Allah, who is more learned than him. He was also given an address to go and meet this more learned person. Musa, along with one of his disciples, went to meet the learned person who has not been named in the Qur'an but our ahadith identify him as Khizr.

The Qur'an narrates in (*Surah al-Kahf, 18:60-82*) the details of their meeting:

Musa: "Can I follow you so that you may teach me the right knowledge of what you have been taught (by Allah)?"

Khizr: "Surely you cannot have patience with me. How can you have patience in (the things or actions) of which you do not have a comprehensive knowledge?"

Musa: "If Allah wills, you will find me patient and I shall not disobey you in any matter."

Khizr: "If you would follow me, then do not question me about anything until I speak to you about it."

So they went their way until they reached a river where they embarked on a boat. When they were close to their destination, Khizr made a hole in the boat.

Musa: "Have you made a hole in it to drown its inmates? Surely you have done a grievous thing."

Khizr: "Did I not say that you will not be able to have patience with me?"

Musa: "O Khizr, do not blame me for what I forgot, and do not constrain me to a difficult thing in my affair."

Then they went on until they met a young man. Khizr killed that person.

Musa: "Have you killed an innocent person who had not killed anyone? Certainly you have done an evil thing."

Khizr: "Didn't I say to you that you will not be able to have patience with me."

Musa: "If I ask you about anything after this, then do not keep me in your company; indeed, you shall then have found an excuse in my case (to dismiss me from your company)."

They went on until they came to a town. They asked food from the people of that town, but no one accepted them as guests. In that town, they found a wall which was on the point of falling in ruin, so Khizr repaired the wall and put it into the right state.

Musa: "If you had wished, you might certainly have taken a payment for this work."

Khizr: "This is the parting between you and me. But before you leave, I will inform you of the significance of my actions which you could not understand:

- As for the boat, it belonged to some poor men who worked on the river. I wished to make the boat slightly defective because a king was coming behind them who seized every perfect boat by force.

- As for the young man, his parents were believers and I feared lest he would oppress them by rebellion and disbelief. And we desired that their Lord might give them in his place a better one than him in purity and nearer to having compassion.

- As for the wall, it belonged to two orphan boys in the city, and there was beneath it a treasure belonging to them; so I rebuilt the wall because your Lord desired that when they attain maturity, they should take out their treasure, which was a mercy from your Lord.

"And moreover, I did not do it of my accord. This is the significance of that on which you could not have patience."

(Surah al-Kahf, 18:60-82)

There are many morals in this story. What is relevant to our discussion is that if a great Prophet of Allah

like Musa (a.s.) could not fully comprehend the significance of the actions of a fellow human being who was more learned than him, then how can we expect to know the wisdom and purpose of every shari'ah law which has been legislated by Allah (SWT), the Wise, the Omniscient and the Omnipotent Creator of the humans and the world in which they live!

- [1.](#) For a detailed discussion on interest, see 'Allamah Tabataba'i, al-Mizan trans. S.S.A. Rizvi, vol. 4 (Tehran: Wofis, 1982) pp. 295–303.
- [2.](#) For a detailed discussion on pork, see S.S.A. Rizvi, Pork, (Tehran: Wofis, 1971).
- [3.](#) Sherman Silber, The Male (New York: 1981) pp. 115–116.
- [4.](#) See 'Allamah Hilli, al-Babu 'l-Hadi 'Ashar trans. W.M. Miller, (London: Luzac, 1958) pp.45–46; S.S.A. Rizvi, Justice of God (New Jersey: Pyam-e Aman, 1992) chap. 1.

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