

SHARI'AH

The Path to a Successful Life



Mustapha Elturk

Edited by Dr. Munawar Haque



In the name of Allah
The Most Compassionate
The Ever Merciful

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IONA

Repentance . Revitalization of Faith . Renewal of Covenant

Shari'ah - The Path to a Successful Life
By Mustapha Elturk

Edited by Dr. Munawar Haque

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*For all those who care for
a just and a better world.*

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Preface

The anti-Islam/anti-shari'ah movement has created an opportunity for Muslims living in the West in general and in North America in particular to share their faith with others who are unaware of true Islamic teachings and shari'ah. On the negative side, most Muslims have a limited understanding of Islam and shari'ah. They have reduced Islam to a mere dogma, set of beliefs, and social customs. Islam is a comprehensive way of life (*deen*) that includes both realms—the sacred and the profane; the spiritual and the secular. They have also reduced shari'ah to the *hudood* punishments, forgetting the main objectives of shari'ah, which include the protection of faith, life, posterity, intellect, and property. Shari'ah is the path that leads its followers to a good and happy life in this world and the next. It comes from the Creator, Allah Almighty, the main source of guidance, and from the tradition of Allah's last and final prophet and messenger, Muhammad, may Allah's peace and blessings be upon him, who, according to the Qur'an, was sent as a mercy to the worlds. On the positive side, the whole world is discussing Islam. Muslims need to adopt a positive approach. Non-Muslims are willing to learn about Islam and shari'ah. I feel that Muslims are responsible to address pertinent issues on Islam and shari'ah with their non-Muslim neighbors. I also think that Muslims, particularly immigrant Muslims who decided to settle in America, need to learn more about them. We need to learn about each other because of a desperate need for one another. Non-Muslims encounter their Muslim neighbors in hospitals and clinics, engineering firms, schools and colleges, etc. And there seems to be a force that is trying to polarize our communities and create a division, not only between Muslims and non-Muslims, but also among Muslims themselves.

The stereotypes that Muslims are here to impose their beliefs on non-Muslims, convert them to Islam, make their women wear hijab, take away their freedoms, and so on, are all bogus and baseless. Unless we Muslims learn what Islam really is and what shari'ah is

all about, we will not be able to effectively communicate with others and live together in peace and harmony. The situation will remain hostile, while we look at each other with suspicion and distrust. Instead, we need to create a level of trust between us, Muslims, and our neighbors, the non-Muslims.

Because of the threats of the anti-shari'ah movement that has gained tremendous momentum in America, I was compelled to do something about it. I decided to deliver sermons and lectures on the subject of shari'ah to both Muslims and non-Muslims alike in the hope that Muslims will gain a greater insight on the subject that might help them dispel the fears and misconceptions non-Muslims may have, while helping the non-Muslims understand the truth about Islam and shari'ah and engage them in a healthy dialogue.

Unless we Muslims understand and gain at least some basic knowledge about shari'ah we will not be able to effectively communicate with others and live together in peace and harmony. The situation, to the detriment of all, will continue to remain polarized. We, therefore, need to create a level of trust between us Muslims and our neighbors, the non-Muslims, and that can be accomplished through building relationships, dialogue, and education. This publication on shari'ah is an effort in that direction.

I ask Allah (SWT) to make this humble effort of mine a beneficial one, to accept this work solely for His sake, and to forgive me and the editor for any mistakes or short comings we may have committed, for none is perfect except Allah Almighty, the All-Wise. And may Allah's peace and blessings be upon His prophet and messenger Muhammad (SAW), his noble family and companions, and all the believers. Ameen.

Mustapha Elturk

Acknowledgements

All praise and thanks are due to Allah (SWT) for His guidance in this effort.

Let me admit that without the help of my friends, colleagues, and associates, this work would not have been possible. The least I can do is to recognize those who contributed to this project. Thanking people is one of the ways of thanking Allah (SWT). The Prophet (SAW) said, "Whoever does not thank people has not thanked Allah (SWT)."

Dr. Munawar Haque, our editor and staff writer in the Research and Publications department of IONA, and I decided to collect the edited sermons and compile them into what you have now, "Shari'ah - The Path to a Successful Life." I would like to thank Dr. Haque for his strenuous efforts editing my sermons and for making helpful suggestions. My gratitude extends to Dr. Hatem Al-Haj from the Assembly of Muslim Jurists of America (AMJA), for reviewing the manuscript and for his valuable comments and intellectual advice that helped improve this work. I would like to also thank Dr. Ahmed Afzaal, Omer Mozaffar, and Salman Sheikh of the Higher Studies Project (HSP) of IONA for their comments. Of course, I cannot forget to thank Hiba Haque, not only for the tedious job of formatting and typesetting the manuscript and making sure everything is in order with correct fonts and spaces, but also for providing useful statistical data relevant to the study. I am grateful to Ali Al-Katib, IONA's office manager, whose creative mind has produced the cover design of this publication. Another person I need to thank is my friend and associate, Dr. Robert Shedinger, author of "Was Jesus a Muslim?" for his support and endorsement. Last but not least, I would like to thank our proofreader, Ann O'Brien, CEO of Dazzle Printing, for her meticulous proofreading. Her contribution is the cherry on top of the pie.

May this work be a source of beneficial knowledge that results in better understanding of shari'ah.

May Allah (SWT) accept this work solely for His sake and may He, the Exalted, overlook our shortcomings, for we are imperfect human beings while God alone is the Perfect One and His Word is always Supreme.



Editor's Introduction

This discourse is based on a series of Friday sermons delivered at the IONA Masjid and Learning Center in the city of Warren, MI, USA by its Ameer (Imam and President), Mustapha Elturk, between May 20 and September 02, 2011 on the subject of the objectives of Shari'ah (*Maqasid al-Shari'ah*).

Shari'ah is now a familiar term to Muslims and non-Muslims. It can often be heard in news stories about politics, crime, feminism, terrorism and civilization. However, many people, including Muslims, misunderstand Shari'ah. It's often associated with the amputation of limbs, death by stoning, lashes, and other medieval punishments. Because of this, it is sometimes thought of as draconian. Some people in the West view Shari'ah as outdated Islamic laws and ideas that are imposed upon people who live in Shari'ah-controlled countries. Many Muslims, however, hold a different view. In the Islamic tradition, Shari'ah is seen as something that nurtures humanity. Muslims see Shari'ah not in the light of something primitive, but as something divinely revealed. In a society where social problems are endemic, Shari'ah frees humanity to realize its individual potential.

In Arabic, Shari'ah means "the clear, well-trodden path to water." Islamically, it is used to refer to the matters of religion that Allah has legislated for His servants. All aspects of a Muslim's life are governed by Shari'ah. It is the corpus of general principles of Islamic law extracted from its two fundamental sources—the Qur'an and the *Sunnah*¹, while also using the other main sources—*ijma'*² and *qiyas*,³ and secondary ones like *istihsan*,⁴ *istislah*,⁵ 'urf',⁶ etc.

¹ *Sunnah* is the way of life of the Prophet Muhammad (peace be upon him), consisting of his sayings, actions and silent approvals.

² *Ijma'* is the unanimous agreement of the companions of the Prophet, or scholars in general, on a point of Islamic law.

³ *Qiyas* is the analogical deduction of Islamic laws. New laws are deducted from earlier laws based on a similarity between their causes.

Muslims believe that the Islamic legal system is one that aims toward ideals of justice, fairness, and a good life. The whole principle of Allah's will is to bring about compassion, kindness, generosity, justice, fair play, tolerance, and care in general, as opposed to tyranny, cruelty, selfishness, exploitation, etc. All the rules of Shari'ah are towards those ends.

There is also what is called *fiqh* or Islamic jurisprudence. *Fiqh* is often erroneously understood to mean Shari'ah. There is a fundamental difference between Shari'ah and *fiqh*. While Shari'ah is of divine origin, *fiqh* is the product of intellectual effort in order to deduce the rulings of Shari'ah through the jurist's own intellectual exertion (*ijtihad*⁷) suitable for his specific time and place.

There are certain tenets of Islam through which Muslims fulfill their religious obligations, such as giving charity, praying, attending the mosque, fasting during the month of Ramadan, performing the pilgrimage, etc. There are social obligations as well, such as taking care of the poor, needy, and the deprived in one's community. Muslims are also concerned about private affairs including birth, death, and laws relating to marriage, divorce, and inheritance.

⁴ *Istihsan* is the preference of one proof over another proof because it appears more suitable to the situation. This may involve the preference of a *hadith* which is specific over a general one, or it may even involve the preference of a more suitable law over the one deduced by *qiyas*.

⁵ *Istislah* is a norm employed by Muslim jurists to solve perplexing problems that find no clear answer in sacred religious texts. In such a situation, the judge reaches a decision by determining first what is materially most beneficial to the community as a whole, then what benefits the local community, and, finally, what benefits the individual. Almost all Muslim schools of theology acknowledge the usefulness and legitimacy of *istislah*, for they accept the premise that whatever is materially beneficial for humanity in general is almost certainly beneficial to individuals.

⁶ *'Urf* (local customs) were accepted as a source of law in a given region where there were no binding Islamic customs available and as long as they did not contradict any of the principles of Islamic law.

⁷ *Ijtihad* is the effort of the jurist to derive the law on an issue by expending all the available means of interpretation at his disposal and by taking into account all the legal proofs related to the issue.

The First Amendment to the United States Constitution affirms the free exercise or practice of religion and at the same time forbids the establishment of religion by government. These twin clauses of free exercise and non-establishment allow a wide array of religious practice in America – Islam being one of them. This has been part of the fabric of American religious and civic life since our founding. Shari’ah represents ideals of justice, fairness, and a good life – ideals that Americans hold dear.

The subject matter of this booklet has more to do with the objectives of Shari’ah. The aim of Shari’ah is to promote human welfare. This is evident in the Qur’an and teachings of the Prophet Muhammad (SAW). The scholars of Islam explain that the welfare of human beings is based on the fulfillment of their necessities, needs, and comforts.

Necessities are matters that worldly and religious life depend upon. Their omission leads to unbearable hardship in this life, or punishment in the next. There are five necessities: Preservation of faith, life, lineage, wealth, and intellect. The Shari’ah protects these necessities in two ways: first, by ensuring their establishment and then by preserving them. Needs and comforts are things people seek in order to ensure a good life and avoid hardship, even though they are not essential. The spirit of the Shari’ah with regards to needs and comforts is summed up in the Qur’an. *“Allah does not seek to place a burden on you; He only wishes to purify you and perfect His grace upon you, that you may be grateful.”* (al-Ma’idah, 5: 6)

It is hoped that the information provided in this booklet will help clarify these aspects of Shari’ah.

Dr. Munawar Haque

IONA Research and Publications



Introduction

Shari'ah has become one of the hottest topics of discussion and debate in the contemporary political discourse, especially in the West. Politicians, think-tanks, media outlets, and even law-enforcement agencies present Shari'ah as an antiquated Islamic Law that is barbaric and has no regards for democracy, human rights, women's freedom, etc. As a matter of fact, the opposite is true. Social welfare, freedom, human dignity, and human relationships are among the higher objectives of Shari'ah (*Maqasid al-Shari'ah*). Shari'ah protects the inalienable rights of people, such as those pertaining to their faith, life, family, property, and intellect. There is an emerging Islamophobic and anti-Shari'ah movement in America to create doubt in the minds of the believers, and at the same time create fear in the hearts of non-Muslims.

Shari'ah has come to occupy center stage today. It is an error to think of Shari'ah as a "legal-politico-military doctrine," as some political activists claim. It also is wrong to associate and restrict Shari'ah only to the punitive laws of Islam. Moreover, the part of Shari'ah regarding punitive laws is not to be implemented in non-Muslim countries.

The Qur'an is explicit on certain punishments, for example the death penalty for murder. Shari'ah law for murder allows the death penalty, but is kinder than western law in one respect—after judicial judgement has been made, appeals are then allowed to the family of the murdered victims, and they are begged to be merciful. In Islam, it is always regarded the height of mercy to forgive a murderer, even though one may have the right to take his or her life in reprisal. The form of death penalty for murder is not specified in Islam. Beheading used to be regarded as the quickest and most merciful way, as in Roman law, and the French guillotine. These days other methods may find approval.

There are provisions for the death penalty for murder even in the common law. In fact, in the United States, there are federal laws that provide the death penalty not only for murder, but also civil rights offenses resulting in death (18 U.S.C. 241, 242, 245, 247), willful wrecking of a train resulting in death (18 U.S.C. 1992), death

resulting from aircraft hijacking (49 U.S.C. 1472-73), espionage (18 U.S.C. 794), treason (18 U.S.C. 2381), and trafficking in large quantities of drugs (18 U.S.C. 3591 (b)).⁸ There are also other state and federal laws such as aggravated kidnapping and aggravated rape that allow capital punishment when no death has occurred.⁹ Moreover, one has just to pick up and read the Old Testament to find that punishment by death is prescribed in it on several religious, sexual, and other grounds.

Some Christian fundamentalists and right wing politicians, among others, with the aid of the media and propaganda machine, have succeeded in creating a sense of tension, uneasiness, and fear in the hearts and minds of the masses. Allegations are hurled that Muslims want to impose their belief on others, to convert them to Islam, to force women to wear *hijab* (headscarf), and to deprive people of their freedoms. Such accusations are absolutely unfounded. This state of affairs has engendered suspicion and hostility between Muslims and their non-Muslim neighbors in neighborhoods, offices, schools, colleges, shopping malls, factories, hospitals, parks, and other public places. Muslims should understand and gain some knowledge about Shari'ah, to be able to effectively communicate with others and live with them in peace and harmony. Unfortunately, Shari'ah has also been given a bad name, because of a few incidents of biased implementation of criminal law in a couple of Muslim countries. Such news items get deliberately blown out of proportion by the media and the power hungry politicians who always have an axe to grind.

Unlike civil and common laws, which focus only on some areas of public behavior, Shari'ah is all embracing. It covers all aspects of human life. Classical Shari'ah manuals are often divided into four parts: laws relating to personal acts of worship, laws relating to commercial dealings, laws relating to marriage and divorce, and penal laws. Shari'ah regulates all public and private affairs of human beings. It has regulations for personal hygiene, diet, marriage, divorce, inheritance, ethics, morality, etiquette, customs, human rights, human relationships, sexual conduct, commercial

⁸ Sources: Bureau of Justice Statistics: Capital Punishment 2009.

⁹ See for details <http://www.deathpenaltyinfo.org/death-penalty-offenses-other-murder> (accessed October 12, 2011).

transactions, international dealings, settlement of disputes, conduct in war and peace, dealing with felonies and misdemeanors, ordering good and forbidding evil, justice, and all matters of ritual worship.

Shari'ah aims at facilitating life and removing hardships. It is capable of addressing many contemporary problems and providing solutions to them. It is interesting to note that the Vatican has suggested that the current capitalist system has failed. Pope Benedict XVI recently harshly criticized the capitalist system and the greediness of bank owners in the West. An article in the Vatican official newspaper, *L'Osservatore Romano*, said that in this atmosphere of crisis, banks should take Muslims as an example, and that the Islamic finance system may pave the way for the establishment of new rules in the Western world.¹⁰ Indeed, Shari'ah is nothing but mercy to humankind.

يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ

"Allah wants ease for you; He does not want hardship for you."
(*al-Baqarah*, 2:185)

Allah (*Subhanahu Wa-Ta'ala* - SWT)¹¹ has sent a compassionate messenger to guide us all.

¹⁰ The Vatican's official newspaper, *L'Osservatore Romano*, in its 5 March, 2009 issue published an article titled, "Islamic finance proposals and ideas for the West in crisis," prepared by Italian economists Loretta Napoleoni and Claudia Segre, in which it was suggested that the basic rules of Islamic finance could relieve suffering markets and particularly international financial systems. Noting that Islam prohibits "riba", they argued that "sukuk bonds" (securities that comply with Islamic law), may be an alternative to interest. The article stressed that sukuk bonds are always real investments and never speculative. The article said that in this atmosphere of crisis, banks should take Muslims as an example and that the Islamic finance system may pave the way for the establishment of new rules in the Western world. The Vatican has suggested that the current capitalist system has failed. Pope Benedict XVI recently harshly criticized the capitalist system and the greediness of bank owners in the West.

¹¹ *subhanahu wa-ta'ala* (Arabic: سبحانه و تعالى) is an Islamic Arabic phrase that may be translated in English as, "Glorified and exalted be He." The abbreviation (SWT) has been used to represent this expression.

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

"And We have not sent you (O Muhammad) except as a mercy to the worlds." (al-Anbiya', 21:107).

It is unfortunate that a Muslim who adheres to his or her faith strongly is labeled an Islamic fundamentalist, an expression with negative connotations, which, thanks to the media, has become synonymous to one who is radical, extremist, or even a terrorist. However, the fact of the matter is that any Muslim who lives by the basic and fundamental teachings of his or her faith is a true believer, and one who does not do so is not a true believer. In this sense, every true Muslim in essence is a fundamentalist. Let alone extremism or terrorism, he or she should be far away from committing any excesses, because toleration and moderation are among the fundamental teachings of Islam. The true teachings of Islam do not invite anyone to commit excesses. If one does so, it may be because of one's misunderstanding of Islam or some other factor, but definitely it is not because of one's devout adherence to the religion.

وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا

"And thus, We have made you a balanced (just) community."
(al-Baqarah, 2:143)

It needs to be clearly understood that there is no separation of church and state in Islam. Government, law, and religion are all one. This concept is alien to the modern western civilization, where there is a clear demarcation between the church and the state. The West rejects all notions of a mixture of religion and government. It has removed God or Allah from the central position He held as the giver of law. The essence of Islam is *tawhid*, which implies that Allah (SWT) is involved in every aspect of a human's life and that He intervenes in history. Man is the most honored creature among His creation and has been entrusted with *khilafah* (vicegerency) of the earth. He has been endowed with a free will and blessed with the faculties of hearing, sight, and intellect in order that he may be tested. In their primordial stage when people were just spirits, all humans pledged to Allah (SWT) and acknowledged Him as their

Lord and Master.¹² They were then placed on planet earth, each human being living for a specified time, destined for him or her. The very purpose of our life is to obey Allah (SWT) in all spheres of our lives.

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ

"And I did not create the jinns and the humans except to worship (and obey) Me." (al-Dhariyat, 51:56)

Their sojourn on earth will be followed by their deaths, moving on to their graves, or the state of *barzakh*, followed by their resurrection and final judgment leading to their ultimate destination of eternal bliss or eternal doom. Hence, the truth that we belong to Allah (SWT) and to Him is our return.

إِنَّا لِلَّهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ

"To Allah we belong and to Him is our return." (al-Baqarah, 2:156)

Muslims believe that Allah (SWT) is the master, the owner of everything, the sovereign, and the ultimate law giver.¹³

إِنَّ الْحُكْمَ إِلَّا لِلَّهِ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ ذَلِكَ الدِّينُ الْقَيِّمُ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ

"Authority belongs to Allah alone. He orders you to worship (and obey) none but Him. This is the true faith, though most people do not realize it." (Yusuf, 12:40)

These metaphysical truths about our position on earth with respect to our creator and His creation are not quite comprehended

¹² This refers to *ayah* 172 of *Surat al-A'raf*, the meaning of which is: *When your Lord took out all their descendants from the loins of the children of Adam and made them testify against themselves, 'Am I not your Lord?' They said, 'We testify that indeed You are! 'Lest you say on the Day of Rising, 'We knew nothing of this.'* (7:172)

¹³ The fact of the matter is that Islam does not totally exclude human legislation. It only limits its scope and guides it on right lines. Human legislation, according to Islam, is and should be subject to the Supremacy of Divine law and within the limits prescribed by it.

by the right wing fundamentalists and perhaps by some Muslims as well. We have complete guidance from Allah (SWT). He guided man from the dawn of history; i.e., from the times of Adam ('alaihis-salam - peace be upon him - PBUH) ¹⁴ to Muhammad (sal Allahu 'alaihi wa sallam - SAW).¹⁵

فَإِمَّا يَأْتِيَنَّكُمْ مِنِّي هُدًى فَمَنْ تَبَعَ هُدَايَ فَلَا خَوْفٌ
عَلَيْهِمْ وَلَا هُمْ يَحْزَنُونَ

*"When guidance comes to you from Me, whoever follows My guidance no fear shall come upon them, nor shall they grieve."
(al-Baqarah, 2:38)*

As for those who do not follow the guidance, misery and grief will be their lot.

وَمَنْ أَعْرَضَ عَن ذِكْرِي فَإِنَّ لَهُ مَعِيشَةً ضَنْكًا

"And whoever turns away from My remembrance will have a miserable life." (Ta Ha, 20:124)



¹⁴ 'alaihi al-salam (Arabic: عليه السلام) is an Islamic Arabic phrase that may be translated in English as, "Peace be upon him." It follows the name of a prophet/messenger of Allah (SWT). The abbreviation (PBUH) has been used to represent this expression.

¹⁵ sal Allahu 'alaihi wa sallam (Arabic: صلى الله عليه وسلم) is an Islamic Arabic phrase that may be translated in English as, "May Allah honor him and grant him peace." It follows specifically after mentioning the name of Muhammad, the last messenger of Allah (SWT). The abbreviation (SAW) has been used to represent this expression.

Meaning of Shari'ah

What is Shari'ah and what does it mean? The word Shari'ah comes from the Arabic root letters (*sheen ra 'ain* ش ر ع) from which we have its verbal noun (*shar'un* شَرْعٌ), which literally means a way or path, and by extension, the path to be followed. The usage of the term originally meant "the path that leads to water," since water is the source of all life. Hence, Shari'ah metaphorically may be understood as the path or the way to the source of life. Shari'ah in Islam refers to the law according to divine guidance leading to a good and happy life in this world and the next. The concept behind Shari'ah is not unique to Islam and is found in nearly all of the world's great religions. The term Shari'ah is also used to identify the Jewish, Christian, Islamic, and earlier Shari'ahs, meaning the divine laws, legal injunctions, and guidance revealed to the messengers of earlier faith traditions that lead one to a good and happy life in this world and the next. The Abrahamic faith traditions have their Shari'ahs. Moses (Musa - PBUH) received the Torah (*Taurat*) incorporating the Mosaic Law—The Ten Commandments. Jesus ('Isa - PBUH) was given the Gospel (*Injeel*), which confirmed the Torah, and some six centuries later, the Qur'an was revealed to Prophet Muhammad (SAW) incorporating the final Shari'ah for the benefit of humankind.

لِكُلِّ جَعَلْنَا مِنْكُمْ شِرْعَةً وَمِنْهَاجًا وَلَوْ شَاءَ اللَّهُ لَجَعَلَكُمْ أُمَّةً
وَاحِدَةً وَلَكِنْ لِيَبْلُوَكُمْ فِي مَا آتَاكُمْ

"For each of you We made a Law (Shari'ah) and a clear path. And had Allah so willed, He would have made you one single community; but He wanted to test you in what He has given you." (al-Ma'idah, 5:48)

ثُمَّ جَعَلْنَاكَ عَلَىٰ شَرِيعَةٍ مِّنَ الْأَمْرِ فَاتَّبِعْهَا وَلَا تَتَّبِعْ
أَهْوَاءَ الَّذِينَ لَا يَعْلَمُونَ

"Then We set you (O Muhammad) on a clear religious path (Shari'ah); so follow it and do not follow the desires of those who do not know." (al-Jathiyah, 45:18)

The word Shari'ah appears in the form of a verb (*sha-ra-'a* شَرَعَ) in *ayah* 13 of *Surat al-Shura*.

شَرَعَ لَكُم مِّنَ الدِّينِ مَا وَصَّى بِهِ نُوحًا وَالَّذِي أَوْحَيْنَا إِلَيْكَ وَمَا وَصَّيْنَا بِهِ إِبْرَاهِيمَ وَمُوسَى وَعِيسَى أَنْ أَقِيمُوا الدِّينَ وَلَا تَتَفَرَّقُوا فِيهِ

"In matters of faith, He has ordained (sha-ra-'a) for you what He enjoined upon Noah, which We have revealed to you (O Muhammad), and which We enjoined upon Abraham, Moses, and Jesus, to establish the deen¹⁶ and differ not in it." (*al-Shura*, 42:13)

In the same *Surah*, the word also appears in its plural form (*sha ra'u* شَرَعُوا)

أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُمْ مِّنَ الدِّينِ مَا لَمْ يَأْذَنْ بِهِ اللَّهُ

"Or do they have partners (of Allah) who ordain (sha ra'u) for them matters of faith that which Allah has not authorized."
(*al-Shura*, 42:21)



¹⁶ *Deen* means a way of life. Islam is not a religion in the narrow sense of the term. The word religion as it is used today has a special connotation. While religion may affect a religious person's attitude, moral character, and behavior, the collective affairs of the people seem to be void from divine guidance in our present secular world. Islam demands that Allah (SWT) be at the center of all human affairs—the private and the public. Thus, Islam is a *deen* or a way of life.

Sources of Shari'ah

There are basically two sources of Shari'ah: the Qur'an, which is the divinely revealed verbatim word of Allah (SWT), and the *Sunnah*, the divinely guided tradition of the Prophet Muhammad (SAW), which includes his authentic sayings, commands, and practices. There is also what is called fiqh or Islamic jurisprudence. Fiqh is often erroneously understood to mean Shari'ah. There is a fundamental difference between Shari'ah and fiqh. While Shari'ah is of divine origin, fiqh is the product of intellectual effort in order to deduce the rulings of Shari'ah through the jurist's own intellectual exertion (*ijtihad*) suitable for his specific time and place. Fiqh interprets and extends the application of Shari'ah to situations not directly addressed in the primary sources by taking recourse to the secondary sources, which usually include the consensus of the religious scholars called *ijma'* and analogy from the Qur'an and the *Sunnah* called *qiyas*. While the Qur'an and the *Sunnah* are permanent and unchangeable, fiqh is variable and may change with time and place, but within the spirit and parameters of these two main sources. Time and place per se do not affect the rulings; rather the conditions and circumstances that may vary in different times and places affect the rulings.

With the social, political, and economic evolutions that have taken place over the past centuries and the current realities of the present century, a new fiqh may well emerge. While benefiting from the cumulative knowledge of the fiqh rulings of the four schools of legal thought (*madhahib*)¹⁷, the new fiqh may replace many of the earlier rulings, which were relevant to the times when they were adjudicated by the four great Imams, but which are no longer relevant now. However, any fiqh in any time-space context can in no way be repugnant to the injunctions and the teachings of the Qur'an and the *Sunnah*.

¹⁷ *Madhhab* (pl. *madhahib*) is a school of thought. The four main schools of thought of the Sunni sect (mainstream Islam) are the Hanafi, Maliki, Shafi'i, and Hanbali schools of thought, named after their founders. However, the majority of the Shi'as who are also known as *Shi'ah al-Imamiyyah al-Ithna Ashariyyah* (i.e., the Twelver Imami Shi'ites) follow the Ja'fari school of thought.

Shari'ah relies on the Qur'an as the authentic text, which serves as a criterion of other sources. Orientalists have tried in the past to subject the Qur'an to historical criticism in order to create doubt in people's mind about its divine origin and authenticity, but to no avail.¹⁸ Allah (SWT) has relieved us from the responsibility of preserving the Qur'an, which is the main source of Shari'ah, and has undertaken to guard and preserve the divine text Himself.

إِنَّا نَحْنُ نَزَّلْنَا الذِّكْرَ وَإِنَّا لَهُ لَحَافِظُونَ

"It is We who have sent down the Reminder (Qur'an), and it is We who will preserve it." (al-Hijr, 15:9)



¹⁸ Even the non-Muslim scholars admit to the authenticity of the Quran. For example, Laura Vaccia Vaglieri (1893-1989), a pioneer of Arabic and Islamic studies in Italy, and professor at the University of Naples, has the following to say about the Qur'an, "On the whole, we find in it a collection of wisdom which can be adopted by the most intelligent of men, the greatest of philosophers, and the most skilful of politicians...But there is another proof of the Divinity of the Qur'an; it is the fact that it has been preserved intact through the ages since the time of its Revelation until the present day...Read and reread by the Muslim world, this book does not rouse in the faithful any weariness, it rather, through repetition, is more loved every day. It gives rise to a profound feeling of awe and respect in the one who reads it or listens to it...Therefore, above all, what caused the great and rapid diffusion of Islam was through the fact that this Book...was the book of Allah" ...257 (From Laura Veccia Vaglieri's book, *Apologie de l'Islamisme*).

Objectives of Shari'ah

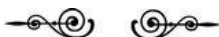
Shari'ah aims at the welfare of the people in this life and in the life hereafter. The sources of Shari'ah guide people to adopt a set of beliefs and practices that would help them ward off evil, injury, misery, sorrow, and distress. These beliefs and practices may result in benefit, happiness, pleasure, and contentment not only in this world, but also in the next. The Qur'an confirms,

فَإِمَّا يَأْتِيَنَّكُمْ مِنِّي هُدًى فَمَنِ اتَّبَعَ هُدَايَ فَلَا يَضِلُّ وَلَا يَشْتَقِ وَمَنْ
أَعْرَضَ عَن ذِكْرِي فَإِنَّ لَهُ مَعِيشَةً ضَنْكًا

"When guidance comes to you from Me, whoever follows My guidance will not go astray nor be unhappy, and whoever turns away from My remembrance will have a miserable life."

(Ta Ha, 20:124)

The goal of Shari'ah is to protect and promote the inalienable rights of people regardless of their belief, race, color, and gender. These protected rights, which are broadly five, pertain to people's faith, life, progeny, property, and intellect. Islam has, in fact, adopted two courses for the preservation of these five indispensables (*daruriyyat*): the first is through cultivating religious consciousness in the human soul and the awakening of human awareness through moral education; the second is by inflicting deterrent punishments on individual criminals for the good of the society at large. Other major bodies of religious law in the world, including the Canon Law used by the Catholic Church, contain both legal outlines of responsibilities and codes of punishing behavior.



Protection of Faith

The First Objective of Shari'ah

Faith is the essence and spirit of human life. Worship ('*Ibadah*) is at the core of maintaining one's faith. For Muslims, the five pillars of Islam—*shahadah* (testimony of faith), *salah* (prayers), *zakah* (obligatory charity), *sawm* (fasting during the month of Ramadan), and *hajj* (pilgrimage to Mecca) are necessary for the very existence of their *deen* (faith). Muslims profess their faith through a verbal testimony by bearing witness to the unity of Allah and the prophethood of Muhammad (SAW). Muslims believe that Muhammad (SAW) is the seal of all Allah's prophets and messengers, in a chain that started with Adam (AS) and includes, among others, Noah (Nuh), Abraham (Ibrahim), Moses (Musa), and Jesus ('Isa), peace be upon them all.

Muslims also express their faith through devotional practices. They perform the five daily prayers, an act of worship that keeps them connected with their Lord. The very essence of prayer (*salah*) is to constantly connect with and remember Allah (SWT), as is evident in the Qur'anic *ayah*, wherein Allah (SWT) introduced Himself to Musa (AS).

إِنِّي أَنَا اللَّهُ لَا إِلَهَ إِلَّا أَنَا فَاعْبُدْنِي وَأَقِمِ الصَّلَاةَ لِذِكْرِي

"Verily, I am Allah, there is no god but Me, so worship Me, and establish prayers for My remembrance." (Ta Ha, 20:14)

Fasting (*sawm*) during the month of Ramadan has been prescribed to Muslims so that they may be mindful of Allah (SWT) and learn self-restraint.

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى
الَّذِينَ مِنْ قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ

"O you who believe, fasting is prescribed for you as it was prescribed for those before you, so that you may remain conscious of Allah." (al-Baqarah, 2:183)

We find that obligatory charity (*zakah*) is another duty regulated by Allah (SWT) to ensure that the poor and destitute are cared for and that their basic needs are met. Just as *salah* is a means to purify one's soul, *zakah* is a means to purify one's wealth and material possessions. Finally, Muslims, who are physically and financially capable to perform the pilgrimage (Hajj) have to visit the *Ka'aba* or the sanctuary built by Abraham (Ibrahim AS) and Ishmael (Isma'il AS) in the city of Mecca in Saudi Arabia to seek forgiveness from their Lord and to renew their covenant with Him. All these modes of worship are specific to Muslims only. People of other faiths have their own beliefs and modes of worship. The Jews, the Christians, and the Pagans, each have their own sets of rituals to express their appreciation to whatever deity they believe in. To compel non-Muslims to believe in what Muslims believe in and worship the way Muslims worship is against the Shari'ah. Shari'ah does provide a total freedom of religion. The Qur'an clearly states,

لَا إِكْرَاهَ فِي الدِّينِ

"There is no compulsion in religion."

(al-Baqarah, 2:256)

وَقُلِ الْحَقُّ مِنْ رَبِّكُمْ فَمَنْ شَاءَ فَلْيُؤْمِنْ وَمَنْ شَاءَ فَلْيُكْفُرْ

"Say (O Muhammad), Now the truth has come from your Lord: let those who wish to believe in it do so, and let those who wish to reject it do so." (al-Kahf, 18:29)

This freedom has been granted to man since the dawn of his existence.

إِنَّا هَدَيْنَاهُ السَّبِيلَ إِمَّا شَاكِرًا وَإِمَّا كَفُورًا

"We showed him (man) the way, whether he be grateful or ungrateful." (al-Insan 76:1-3)

This explains that since the beginning of times, Allah (SWT) has never left man unguided. Allah (SWT) has blessed man with the faculties of hearing, sight, and intellect so that he can use them to reach the ultimate truth, which is to accept Allah (SWT) as his creator and master and abide by His teachings. However, given the free will and the choice of doing good or evil, man may, if he chooses to do so, be ungrateful by not believing in Allah (SWT), or

by believing but not complying with His teachings. Had Allah (SWT) willed, He would have made all people believe, but He did not do so in order to test man, whether he is grateful or ungrateful to his Lord.

لَوْ يَشَاءُ اللَّهُ لَهَدَى النَّاسَ جَمِيعًا

*"Had Allah so willed, He could have guided all of mankind."
(al-Ra'd 13:31)*

Shari'ah not only allows other faiths to coexist but actually guarantees the protection of their houses of worship and properties. It respects the worth of every human being in his or her own belief and endeavor in the pursuit of life and the truth. It has been reported that while in Medina, the Prophet (SAW) invited the Jews and the Christians to Islam. Some believed while others did not. But, he did not compel them to accept Islam. He hosted the Christian delegation of Najran with great hospitality despite the fact that they did not accept Islam even after engaging in a lengthy dialogue and debate with him. He even allowed them to perform their ritual worship in the Prophet's Masjid in Medina. They remained on their faith. The Qur'an urges us to engage with the Jews and Christians, whom it calls the "people of the Book" (*Ahl al-Kitab*), in things which are common between us and them.

قُلْ يَا أَهْلَ الْكِتَابِ تَعَالَوْا إِلَى كَلِمَةٍ سَوَاءٍ بَيْنَنَا وَبَيْنَكُمْ أَلَّا نَعْبُدَ إِلَّا اللَّهَ وَلَا نُشْرِكَ بِهِ شَيْئًا وَلَا يَتَّخِذَ بَعْضُنَا بَعْضًا أَرْبَابًا مِنْ دُونِ اللَّهِ فَإِنْ تَوَلَّوْا فَقُولُوا اشْهَدُوا بِأَنَّا مُسْلِمُونَ

"Say (O Muhammad), 'O People of the Book! Come to common terms as between us and you; that we worship none but Allah; that we associate no partners with Him; that we take not, from among ourselves, Lords beside Allah.' If they turn away, then say, 'you bear witness that we are Muslims.'" (Aal 'Imran, 3:64)

The Qur'an does rebuke the Jews and the Christians for failing to uphold the unity of Allah (*tawhid*), and for failing to uphold their Shari'ah, but at the same time, in all fairness, the Qur'an praises them when they adhere to the divine injunctions. As a matter of fact, the Qur'an lavishly compliments the Christians when it says,

وَلَتَجِدَنَّ أَقْرَبَهُمْ مَوَدَّةً لِلَّذِينَ آمَنُوا الَّذِينَ قَالُوا إِنَّا نَصَارَى ذَلِكَ
بَأَنَّ مِنْهُمْ قِسِّيَّيْنَ وَرُهْبَانًا وَأَنَّهُمْ لَا يَسْتَكْبِرُونَ

*"And you will certainly find that the closest in affection to those who believe are those who say, 'We are Christians,' for there are priests and monks among them and they are not arrogant."
(al-Ma'idah, 5:82).*

Shari'ah promotes good relations with all, so that people may come to terms and live with another irrespective of their faith, creed, race, color, gender, etc. This pluralism is reflected from the fact that on his arrival at Medina, after migrating from Mecca (*hijrah*)¹⁹, the Prophet (SAW) executed alliance pacts with different tribes and communities including the Jews. This ensured the safety and security of Medina against foreign aggression as all parties to the alliance, whether Muslim or non-Muslim, whether hostile or friendly to each other, were legally and morally bound to stand against their common enemy, if and when attacked. In the constitution of Medina drafted by the Prophet (SAW), the Jews in Medina were regarded as a community (*ummah*) along with the believers. Later on, the Prophet (SAW) offered citizenship and cooperation to the Christians of Najran and undertook to give them protection for their lands, properties, churches, and services. According to a letter sent to them by the Prophet (SAW), they had the protection of Allah (SWT) and the protection (*dhimmah*) of Muhammad (SAW).

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَى وَجَعَلْنَاكُمْ شُعُوبًا
وَقَبَائِلَ لِتَعَارَفُوا

"O mankind, We created you from a male and female, and We made you into nations and tribes, that you may know one another." (al-Hujurat, 49:13)

History is witness that religious freedom, a much debated topic today, was practiced centuries ago throughout the Muslim rule. All religious communities had the right to exercise their own courts.

¹⁹ *Hijrah* refers to the Prophet's migration from Mecca to Medina in 622 CE, signifying the beginning of the Islamic calendar.

Coexistence with people of other religions is rooted in our history of governing and the political system of Islam. Non-Muslims have always been encouraged to participate and contribute to the intellectual and political life of the country under Islamic rule. The Jews and Christians held key posts in public offices. The histories of the Muslim rules of Abbasids, Mamluk, Ottoman, Mughals, and Muslim Spain bear testimony that Jews, Christians, Muslims, and Hindus lived in peaceful coexistence. It can be asserted that the gist and spirit of the Islamic Shari'ah regarding pluralism and protection of faith of others is embedded in the Qur'an and practiced by the Prophet (SAW) and his followers.

We have recently witnessed attempts to profane the Qur'an in America. There are also protests being held against the Shari'ah. Graffiti on walls of mosques and Islamic centers are suggestive of bigotry and intolerance towards Islam and Muslims. People of reason, however, whatever faith tradition they belong to, side with the Muslims to show their solidarity against such extremism. Places of worship to whosoever they belong are to be protected and not desecrated. This is evident from the Qur'anic *ayah*,

وَلَوْلَا دَفْعُ اللَّهِ النَّاسَ بَعْضَهُمْ بِبَعْضٍ لَهْذَمَتْ صَوَامِعُ وَبِيَعٌ
وَصَلَوَاتُ وَمَسَاجِدُ يُذْكَرُ فِيهَا اسْمُ اللَّهِ كَثِيرًا

"And were it not been for Allah's repelling some people by means of others, many monasteries, churches, synagogues, and mosques, where Allah's name is frequently mentioned, would have been destroyed." (al-Hajj 22:40)

The laws of the Qur'an and the *Sunnah* seek to promote what is good and forbid what is harmful in every day communal life. The scholars of Islam (*ulama'*) have generally considered mercy (*rahmah*) to be the all pervasive objective of Shari'ah as it establishes justice or balance (*al-'adl*) between rights and responsibilities, and between privileges and duties, so as to eliminate excesses and disparities in all spheres of life.



Protection of Life

The Second Objective of Shari'ah

Shari'ah recognizes the sanctity and sacredness of human life. It is forbidden to kill any person without justification. This is clearly ordained by Allah (SWT) when He says,

وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ

"And do not take the life which Allah has forbidden, except in the pursuit of justice." (al-An'am, 6:151)

In Surat al-Isra', Allah (SWT) says,

وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَمَنْ قُتِلَ مَظْلُومًا فَقَدْ

جَعَلْنَا لَوْلِيِّهِ سُلْطَانًا فَلَا يُسْرِفُ فِي الْقَتْلِ إِنَّهُ كَانَ مَنْصُورًا

"And do not take the life which Allah has made sacred, except through (due process of) law. And if someone is wrongly killed, We have given authority to his next of kin (defender of his right). But he should not exceed the bounds (of equity) in taking life, for he will be helped (by the law)." (al-Isra', 17:33)

When demanding a just retribution, one should not exceed the bounds of equity in retributive killing. For example, one cannot demand that any other person or persons be slain with the murderer. According to the exegesis (tafsir) of Ibn Kathir, it also means that the heir should not go to the extremes when executing the killer, such as mutilating his body. The heir of the murdered will be helped through the due process of justice according to the Islamic law, which entitles him to take recourse in one of the following: (1) demand qisas (law of equality in punishment), (2) accept diya (blood money), or (3) forgive the murderer. According to Islamic law, murder is a personal crime, and it is the family of the murdered who have a say in deciding the fate of the murderer by

exercising one of the three legal options.²⁰ This may allow some room for mercy and mutual benefit, particularly in cases when the murder is provoked. Also, it gives solace to the victim's family to know they are in control of the process. This flexibility is not found under common law, which stipulates murder to be a crime against the state, and the family of the murdered has no say in the outcome of the case. It is up to the judge or jury to decide the fate of the murderer.

Islam places great emphasis on the sanctity of life starting from the womb to the grave. Every life has its sanctity. There is no difference between the life of a fetus, a young person, an aged person, or a terminally ill person. There are a number of *ayat* in the Qur'an which testify to this, such as,

مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ
جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا

"If anyone kills a person—unless in retribution for murder or spreading corruption in the land—it is as if he had killed all mankind, while if anyone saves a life, it would be as if he saved the lives of all mankind." (al-Ma'idah, 5:32)

The rulings of the Shari'ah aim at preserving the life of human beings. Even during war, the essential limits should not be transgressed. Abu Dawud narrated that the Prophet (SAW) said, "Don't kill an elder or a child or a woman..." Abu Bakr, the first Caliph, in his address to Yazid Ibn Abu Sufiyan, the commander of the army that went north to Sham (Greater Syria), said, "...I instruct you to fulfill the following ten orders: Do not kill a woman, nor a child, nor an old man; do not cut down fruitful trees; do not destroy (land or housing) in use; do not kill a goat or a camel unless for food; do not flood palm trees (with water) nor burn them down

²⁰ In circumstances where the homicide is a treacherous one (*gheelah*, or the act of luring a person to a secluded place and killing him), the punishment shall be death, because the will of the relatives of the deceased becomes irrelevant.

...²¹ In a hadith narrated in the two sahihs of Imam al-Bukhari and Imam Muslim, the Prophet (SAW) is reported to have said,

لَا يَحِلُّ دَمُ امْرِئٍ مُسْلِمٍ يَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّي رَسُولُ اللَّهِ ،
إِلَّا بِإِحْدَى ثَلَاثٍ الثَّيْبُ الزَّانِي ، وَالنَّفْسُ بِالنَّفْسِ ، وَالتَّارِكُ لِدِينِهِ
الْمُفَارِقُ لِلْجَمَاعَةِ

*"The blood of a Muslim who bears the testimony of faith ("There is no deity but Allah; Muhammad is the messenger of Allah") is not permissible to be shed except in three cases: (1) an adulterer who is married, (2) a soul for a soul, and (3) a murtad or a person who abandons his/her religion and deserts the jama'ah (community)."*²²

In times of war only a combatant enemy (*harbi*) is permitted to be killed. According to a hadith in the two sahihs of Imam al-Bukhari and Imam Muslim,

إِذَا تَقَى الْمُسْلِمَانِ بِسَيْفَيْهِمَا ، فَالْقَاتِلُ وَالْمَقْتُولُ فِي النَّارِ ،
فَقُلْتُ : يَا رَسُولَ اللَّهِ ، هَذَا الْقَاتِلُ ، فَمَا بَالُ الْمَقْتُولِ ؟
قَالَ : إِنَّهُ كَانَ حَرِيصًا عَلَى قَتْلِ صَاحِبِهِ .

*"When two Muslims fight each other with their swords, both the murderer and the murdered will go to hell. The companions of the Prophet (SAW) were anxious to know as to why the murdered (the victim) would go to hell. The Prophet (SAW) explained that the reason was that he too had the intention to kill his companion."*²³

²¹ This quote has been narrated by Malik ibn Anas from the report of Yahya Ibn Sa'id in the chapter on Jihad in al-Muwatta'.

²² Sahih Muslim, Narrator, Abdullah Ibn Mas'ud (RA). There is a difference of opinion among the scholars regarding apostasy. While most traditional scholars take apostasy to mean simply deserting Islam, most contemporary scholars are of the opinion that only those who abandon Islam and aid the enemy are guilty of apostasy, and hence are charged of treason, which is punishable by death.

²³ Sahih al-Bukhari, Narrator, Nafee' Bin al-Harith (RA)

The killing of a believer (*mu'min*) by a believer is a very grave sin. In a hadith found in the *Sunan* of Ibn Majah, among others, it is stated:

لَزَوَالُ الدُّنْيَا أَهْوَنُ عَلَى اللَّهِ مِنْ قَتْلِ
مُؤْمِنٍ بِغَيْرِ حَقٍّ

"If the world were to be destroyed, it would be of less importance to Allah (SWT) than the killing of a believer without a just cause."²⁴

Muslims are forbidden to fight with each other and to kill one another. The Qur'an addresses the situation when such killing has taken place by mistake.

وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَأً وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً
فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَّةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا فَإِنْ كَانَ
مِنْ قَوْمٍ عَدُوٌّ لَكُمْ وَهُوَ مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَ مِنْ
قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَدِيَّةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ
مُؤْمِنَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِنَ اللَّهِ وَكَانَ
اللَّهُ عَلِيمًا حَكِيمًا

"A believer should never kill another believer except by mistake. And whoever kills a believer by mistake he should free a believing slave and pay blood-money to the victim's family unless they forgo it as a charity. If he (the victim) is from a people who are hostile to you and is a believer, you should free a believing slave. If he is from a people you have a treaty with, blood money should be paid to his family and you should free a believing slave. Anyone who lacks the means should fast two consecutive months, atonement from Allah. Allah is All-Knowing, All-Wise." (al-Nisa', 4:92)

The next *ayah* of the Qur'an tells us about the fate of those who kill a believer intentionally.

²⁴ Sunan Ibn Majah, Narrator, Bara' Bin 'Azib

وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا

"Whoever kills a believer intentionally, his recompense is Hell, to abide therein forever; and Allah's wrath and curse are upon him and prepared for him a great punishment." (al-Nisa', 4:93)

Suicide in Islam

The objective of Shari'ah is to preserve the life of human beings. Thus, committing suicide is prohibited, even if one is undergoing pain or agony or even if it involves hiring someone to take one's life.

وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

"And do not kill yourselves. Surely, Allah is most Merciful to you." (al-Nisa', 4:29)

Abu Huraira (RA) narrated that the Prophet (SAW) said,

مَنْ تَرَدَّى مِنْ جَبَلٍ فَقَتَلَ نَفْسَهُ فَهُوَ فِي نَارِ جَهَنَّمَ ، يَتَرَدَّى فِيهِ خَالِدًا مُخَلَّدًا فِيهَا أَبَدًا ، وَمَنْ تَحَسَّى سُمًّا فَقَتَلَ نَفْسَهُ فَسُمُّهُ فِي يَدِهِ يَتَحَسَّاهُ فِي نَارِ جَهَنَّمَ خَالِدًا مُخَلَّدًا فِيهَا أَبَدًا ، وَمَنْ قَتَلَ نَفْسَهُ بِحَدِيدَةٍ فَحَدِيدَتُهُ فِي يَدِهِ يَحَا بِهَا فِي بَطْنِهِ فِي نَارِ جَهَنَّمَ خَالِدًا مُخَلَّدًا فِيهَا أَبَدًا.

"Whoever purposely throws himself from a mountain and kills himself will be in the fire of hell falling down into it and abiding therein perpetually forever; and whoever drinks poison and kills himself with it, he will be carrying his poison in his hand and drinking it in the fire of hell wherein he will abide eternally forever; and whoever kills himself with an iron weapon will be

*carrying that weapon in his hand and stabbing his abdomen with it in the fire of hell wherein he will abide eternally forever."*²⁵

Suicide has assumed alarming proportions. Statistics show that approximately one million suicides take place each year²⁶. There has been an increase by 60 percent in worldwide suicide rates in the last 45 years.²⁷ The reasons for suicides can be attributed to alcohol, gambling, and life punctuated with frustration and stress.

Euthanasia, which is the act of killing someone painlessly, especially to relieve suffering from an incurable illness, is a contemporary medical issue that is debatable, but Islamically, there is no difference between killing a healthy person and a terminally ill patient.

Protection of Life by Virtue of a Pledge of Security

There are three categories of people who enjoy protection of life by virtue of a pledge of security. These are: (1) *al-Musta'man* or a person who belongs to a country at war with Muslims and who is admitted to a Muslim country for some purpose through a pledge of security, (2) *al-Mu'ahid* or a person who belongs to a country that has a temporary or permanent peace agreement with Muslims, and (3) *al-Dhimmi*²⁸ or a permanent non-Muslim resident in a Muslim country. When added together, it means life of all is protected except for the combatants in a state of war with the Muslims.

²⁵ Sahih al-Bukhari

²⁶ "Current Worldwide Suicide Rate." *ChartsBin*. Web. 16 Nov. 2011.
<<http://chartsbin.com/view/prm>>.

²⁷ Ibid.

²⁸ We also need to understand the term *dhimmi*, which is often misunderstood. This term was used to define the status of the Jews and Christians in an Islamic State. A *dhimmi* is one who is promised to feel secure about his property, honor, and faith because of the *dhimmah* or protection granted to him in religious, economic, and administrative domains by the Islamic State. In lieu of the *zakah*, which is paid by Muslims, as an integral part of their worship (*'ibadah*), *zakah* does not apply to *dhimmis* as they are not Muslims, and hence they are levied the *jizya* or poll tax for their protection and welfare. With the spread of Islam, the term *dhimmi* began to be applicable to not only the Jews and Christians, but also Zoroastrians, Buddhists, Hindus, and Pagans.

It is reported that Abdullah Ibn 'Amr (RAA) said that the Prophet of Allah (SAW) said,

مَنْ قَتَلَ مُعَاهِدًا لَمْ يَرِحْ رَائِحَةَ الْجَنَّةِ ، وَإِنَّ رِيحَهَا تُوجَدُ مِنْ
مَسِيرَةِ أَرْبَعِينَ عَامًا.

*"Whoever kills a Mu'ahid (a person protected by the state) shall not smell the fragrance of paradise though it can be smelled from a distance of 40 years (of traveling)."*²⁹

In another hadith, the Prophet (SAW) said,

مَنْ أَمَّنَ رَجُلًا عَلَى دَمِهِ ثُمَّ قَتَلَهُ فَأَنَا بَرِيءٌ مِنَ الْقَاتِلِ وَإِنْ كَانَ
الْمَقْتُولُ كَافِرًا.

*"If anybody provided a man with security and then killed him, I disavow the killer even if the killed person is a disbeliever."*³⁰

We find in the *sirah*³¹ that the Prophet (SAW) was quick to recognize the importance of peaceful co-existence with his non-Muslim neighbors who belonged to different tribes and subscribed to different beliefs. One of the three main projects the Prophet (SAW) executed in Medina was to make peace treaties with the three Jewish tribes of Banu Nazir, Banu Qainuqa', and Banu Quraizah. The other two were the construction of the masjid-cum-learning center and the establishment of brotherhood (*muakhat*) between the emigrants of Mecca (*muhajirun*) and the helpers of Medina (*ansar*). Subsequently, the Prophet (SAW) also signed a ten-year truce pact with Quraish, which has come to be known as the truce of Hudaibiyah (*Sulh al-Hudaibiyah*) and which was proclaimed by Allah (SWT) as a manifest victory.

²⁹ Sahih al-Bukhari, Blood Money (al-Diyat) 9

³⁰ Sahih al-Bukhari: al-Tarikh al-Kabir [Great History], 3/322, the phrasing is his. Ibn Hibban (5982). Al-Bazzar (2308). Al-Tabarani in al-Muagham al-Kabir [Great Lexicon] (64) and in al-Muagham al-Saghir [Small Lexicon] (38).

³¹ *Sirah* means the Prophet's life-story.

إِنَّا فَتَحْنَا لَكَ فَتْحًا مُبِينًا

"Verily We have granted you a clear victory." (al-Fath, 48:1)

All treaties were honored by the Prophet (SAW) without any exception. This demonstrates how Islam underscores the worth and dignity of all human beings regardless of their origin, race, religion, color, or ethnic background. The Prophet (SAW) used to tell his companions not to wish to meet their enemies, but in case that became indispensable, he asked them not to turn their backs, and to be strong and patient. It is absolutely forbidden in Islam for Muslims residing in Muslim or non-Muslim countries to kill or wage war against innocent people in non-Muslim countries, even if such countries were hostile to Islam and Muslims. Such acts are considered treachery and in violation of treaties of peace and security, and are detested both by Allah (SWT) and his Messenger (SAW). Allah (SWT) said,

وَأَمَّا تَخَافَنَّ مِنْ قَوْمٍ خِيَانَةً فَانْبِذْ إِلَيْهِمْ عَلَى سَوَاءٍ إِنَّ اللَّهَ لَا يُحِبُّ الْخَائِنِينَ

"If you (O Muhammad) fear treachery on the part of a people, revoke your treaty with them mutually. Allah does not love treacherous people." (al-Anfal, 8:58).

The Prophet (SAW) said,

أَدِّ الْأَمَانَةَ إِلَى مَنِ اتَّمَمَكَ ، وَلَا تَخُنْ مَنْ خَانَكَ .

"Return the trust to those who trust you, and do not betray those who betray you."³²

Unfortunately, just as adherents of other faiths distort their religions, sometimes Muslims too misrepresent Islam by taking recourse to practices that are not based on the Qur'an and the *Sunnah*, but on fanaticism and tribal or cultural traditions. An example of this distortion is honor killing that involves the killing of a member of a family or social group by other members, due to

³² Musnad Ahmad

the belief of the perpetrators that the victim has brought dishonor upon the family or community. This is in absolute violation of Shari'ah.

Abortion

Shari'ah demands total respect of all creation including the fetus. Normally, abortion or termination of the fetus would only be legitimate if the mother has a health condition that makes the continuation of pregnancy a danger to her life. It is also permissible in the first 120 days, according to the majority of scholars, if the fetus has a condition incompatible with a stable life after birth, such as 'Trisomy18'.³³

Female infanticide used to be a practice of the days of ignorance (jahiliyyah). In modern times, with the advancement of technology and the ability to know the gender of the child before birth, parents not wanting daughters and considering them as a burden often take recourse to abortion. Such practices are common in China, India, and other countries as well. Such heinous acts result in an imbalance of the male-female ratio, ending in the males far exceeding the females. Fear of poverty should not be a reason to kill or abort a fetus.

وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ إِنَّ
قَتْلَهُمْ كَانَ خِطْئًا كَبِيرًا

"Do not kill your children for fear of poverty; it is We who provide for them as well as for you. Killing them is surely a grave sin." (al-Isra', 17:31)

It is shocking to learn that 46 million babies die from abortion worldwide every year³⁴. In the United States alone, 48 million

³³ Trisomy 18 is a genetic disorder and is caused by the presence of extra material from chromosome 18. The extra material interferes with normal development. Some of the symptoms are: clenched hands, crossed legs, feet with a rounded bottom, low-set ears, mental deficiency, small head, small jaw, underdeveloped fingernails, and unusual shaped chest.

³⁴ "Abortion-Artificially Induced Abortion around the World." *Encyclopedia of Death and Dying*. Web. 16 Nov. 2011. <<http://www.deathreference.com/A-Bi/Abortion.html>>.

babies have been aborted since 1973³⁵. It has been found that approximately 24 percent of all pregnancies in the United States end in abortion³⁶, and 80 percent of these abortions are performed on unmarried women³⁷. This gives way to many social problems. The evils of adultery, fornication, intoxication, and gambling often lead to taking someone's life. All such acts have been strictly forbidden by the Shari'ah, which not only holds life sacred, but also protects it. In addition to protection of life, psychological harm or injury is also prohibited under Shari'ah.

يَا أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ وَلَا تَحَسَّسُوا وَلَا يَغْتَبَ بَعْضُكُم بَعْضًا أَيُحِبُّ أَحَدُكُمْ أَن يَأْكُلَ لَحْمَ أَخِيهِ مَيْتًا فَكَرِهْتُمُوهُ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ تَوَّابٌ رَّحِيمٌ

"O you who believe, avoid much suspicion. For some suspicion is a sin. And do not spy and do not backbite one another. Would any of you like to eat the flesh of his dead brother? No, you would hate it. So be mindful of Allah. Allah is Ever-Returning, Most Merciful." (al-Hujurat, 49:12)

Respect for All Creation

Shari'ah also demands total respect for all creation. The Qur'an states that Allah (SWT) has created all things in this natural world in due proportion and measure and speaks of making the cosmos exploitable and serviceable to humankind.

وَخَلَقَ كُلَّ شَيْءٍ فَقَدَرَهُ تَقْدِيرًا

"And He created everything and determined it in a precise measure." (al-Furqan, 25:2)

³⁵ "Abortion Statistics-of Revolution." *Voice of Revolution* » *The Online Magazine from the Ministry of Dr. Michael Brown*. Web. 16 Nov. 2011.
<<http://www.voiceofrevolution.com/2009/01/18/abortion-statistics/>>.

³⁶ Ibid.

³⁷ Ibid.

وَسَخَّرَ لَكُم مَّا فِي السَّمَاوَاتِ وَمَا فِي الْأَرْضِ جَمِيعًا مِنْهُ إِنَّ فِي
ذَٰلِكَ لَآيَاتٍ لِّقَوْمٍ يَتَفَكَّرُونَ

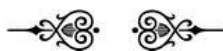
*"And He has made subservient to you, (as a gift) from Himself,
all that is in the heavens and Earth. Verily in that are signs for
those who reflect." (al-Jathiyah, 45:13)*

Man is created by Allah (SWT) as a social creature endued with free will and thinking faculties. He is created to explore the universe and nature and make use of them to make his existence convenient, comfortable, and meaningful, thus creating virtues, culture, and civilization. However, the Qur'an warns on many occasions against attempts to tamper with the *fitrah*³⁸ and against any form of altering it. Such alterations may undermine the ecological balance and lead to harm to both humankind and the environment. The moment this universal equilibrium is impaired and vitiated through human intervention, man's relationship with the Creator and His creation starts to degenerate.

ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ
بَعْضَ الَّذِي عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ

*"Corruption has become manifest on land and sea as a result of
people's actions, and He will make them taste (the consequences
of) some of their own actions so that they may turn back."
(al-Rum, 30:41)*

This costs him dearly in terms of health, wealth, peace, prosperity, and his general well-being. The Qur'an declares that the entire creation has a purpose. The environment being a part of Allah's creation must also have a purpose. Although it is subjected to man for his sustenance on this earth, man is commanded to use it wisely and to avoid creating mischief on earth.



³⁸ *Fitrah* refers to the laws set by Allah to govern the intrinsic characteristics and the functions of living and non-living creatures in this universe.

Protection of Posterity

The Third Objective of Shari'ah

Protection of posterity (*hifz al-nasl*) constitutes the third objective of Shari'ah. Posterity, progeny, or lineage refers to all future generations collectively. The terms in Arabic for posterity are *al-nasl* and *al-nasab*, derived from the roots *na-sa-la* and *na-sa-ba* respectively. While the former means to procreate, the latter means to trace ancestry. In between the two words *al-nasl* and *al-nasab*, we find the concept of lineage, which by extension includes all succeeding generations in one's family.

Islam recognizes the importance of protecting one's lineage and posterity. The negative growth in population is a sign of destruction of posterity as is evident in some European countries. In the Czech Republic, for example, the average number of children born to women is 1.2, which is below the number of 2.1 that yields zero population growth³⁹. In Europe and Asian countries like Hong Kong, Taiwan, Japan, Korea, and Singapore, there are more old people than babies being born⁴⁰. In Russia, with the birth rates being low and death rates being high, a loss of one-third of the country's population is expected in the next 40 years⁴¹. The United States also shows a plummeting birth rate. The birth fell by 2.6% in 2009 even as the population grew⁴². According to analysis of the 2010 census by *USA Today*, there are 43 million households that have more dogs than children⁴³.

³⁹ "Population Growth—Overview of Population Growth Rates." *Geography at About.com*. 02 Mar. 2011. Web. 16 Nov. 2011.
<<http://geography.about.com/od/populationgeography/a/populationgrow.htm>>.

⁴⁰ "Malaysia: What Happens When the Birth Rate Falls." *New Straits Times* 26 July 2009. *World Overpopulation Awareness*. 22 Sept. 2011. Web. 16 Nov. 2011.
<<http://www.overpopulation.org/older.html>>.

⁴¹ Ibid.

⁴² Gaia, Karen. "What's Behind the Drop in US Birth Rates?" *World Overpopulation Awareness*. 22 Sept. 2011. Web. 16 Nov. 2011.
<<http://www.overpopulation.org/older.html>>.

⁴³ Nasser, Haya El, and Paul Overberg. "Census Reveals Plummeting U.S. Birthrates—USATODAY.com." *USA Today*. 24 June 2011. Web. 16 Nov. 2011.

While the concept of marriage is fading, the practice of cohabitation is on the rise. There are more people today who prefer to cohabit or live together as husband and wife without being married and without any sense of responsibility or obligation. According to the US Census Bureau, the number of unmarried couples cohabiting hiked from 6.7 million in 2009 to 7.5 million in 2010, registering an increase of 13% or 868,000 couples⁴⁴. The US Justice Department found that women are 62 times more likely to be assaulted by a cohabitant boy friend than by a husband⁴⁵. A study shows that children born out of such unstable relationships suffer the brunt of the consequences that lead to adverse effects on their physical and psychological development. As against 8% of American couples, there are 28% of Swedish couples who cohabit⁴⁶. Moral and cultural taboos against partners living together seem to have disappeared altogether. This is attributed to the essentially atheistic society of Sweden, which also has one of the highest suicide rates in the world.

Aisha (RA) reported the Prophet (SAW) as saying,

النَّكَاحُ مِنْ سُنَّتِي ، فَمَنْ لَمْ يَعْمَلْ بِسُنَّتِي فَلَيْسَ مِنِّي

"Marriage (Nikah) is my way (Sunnah).
He who shuns my Sunnah is not of me."⁴⁷

Intimate relationships outside the bonds of marriage are forbidden in Islam. Marriage is the only legitimate means or way to satisfy one's sexual desires. It is only through marriage that lineage

<http://www.usatoday.com/news/nation/census/2011-06-03-fewer-children-census-suburbs_n.htm>.

⁴⁴ Kreider, Rose M. *Increase in Opposite-sex Cohabiting Couples from 2009 to 2010 in the Annual Social and Economic Supplement (ASEC) to the Current Population Survey (CPS)*. Working paper. US Census Bureau. Web. 16 Nov. 2011.

<<http://www.census.gov/population/www/socdemo/Inc-Opp-sex-2009-to-2010.pdf>>.

⁴⁵ "Cohabitation Statistics." *Family Life Culture Watch*. 22 Feb. 2008. Web. 16 Nov. 2011. <<http://www.familylifeculturewatch.com/2008/02/cohabitation-st.html>>.

⁴⁶ Zenit News Agency. "The Latest Marriage Statistics: Implications." *AD2000 – A Journal of Religious Opinion*. Web. 16 Nov. 2011.

<http://www.ad2000.com.au/articles/2005/oct2005p8_2076.html>.

⁴⁷ Sahih Muslim

is protected and maintained. It is alarming to learn that nearly 40% of babies born in the United States in 2007 were delivered by unwed mothers, according to data released by the National Center for Health statistics. The 1.7 million illegitimate births out of 4.3 million total births marked a more than 25% jump from five years before. One can only wonder how deprived these children would be of tracing and determining their roots, not to speak of their vulnerability to becoming drug addicts, criminals, and a burden to the society. Islam wants sound and happy families to construct a good and effective society that eradicates evil and promotes good. Marriage is the foundation of a family and the family is the nucleus of society. Having a sound family structure would result in a good and successful society. Marriage, therefore, is the essential component in building and maintaining lineage. Islam encourages marriage as soon as a mature man is able to support his wife. It is also encouraged to marry at a young age. It is narrated by Abdullah ibn Mas'ud (RA) who said, "We went out with the Messenger of Allah while we were youth, and we had no means. The Messenger of Allah said,

يَا مَعْشَرَ الشَّبَابِ ، مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ ، فَإِنَّهُ أَغْضُ
لِلْبَصَرِ وَأَحْصَنُ لِلْفَرْجِ ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وَجَاءٌ

*"O young men! Whoever among you can marry should marry, because it helps him to lower his gaze and guard his modesty, and whoever is not able to marry should fast as fasting diminishes the sexual urge."*⁴⁸

Marriage in Islam, while protecting the rights of the husband and the wife, also preserves the lineage and progeny. Islam allows polygyny, whereby a man may have up to four wives at a time. This provision, however, is subject to the man treating all his wives equitably, and Allah (SWT) Himself states how difficult it is for man to do so.

وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ الْمِيلِ
فَتَذَرُوهُنَّ كَالْمُعَلَّقَةِ وَإِنْ تُصْلِحُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا

⁴⁸ Sahih al-Bukhari and Sahih Muslim

"And you will not be able to be fair between your wives, however hard you try. So don't lean (toward one) leaving another hanging. And if you mend (your affairs) and act righteously, then surely Allah is Most Forgiving, Most Merciful." (al-Nisa; 4:129)

This indicates that having only one wife is the norm, while plurality of wives is an exception. There may be instances, for example, when the wife is sterile or there may be a shortage of men as a consequence of war or other special circumstances when polygyny may be practiced. Also for a man with excess virility, to have two wives with protected rights is better than to have a wife and a mistress.

وَأِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ
النِّسَاءِ مَثْنَىٰ وَثُلَاثَ وَرُبَاعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا
مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أَدْنَىٰ أَلَّا تَعُولُوا

"If you fear that you will not deal fairly with orphan (girls), you may then marry women of your choice, two, three, or four. But if you fear that you cannot be equitable [to them], then marry only one or (the captives) that your right hands possess. That is more likely that you will not do injustice." (al-Nisa' 4:3)

Islam forbids polyandry, the practice of having more than one husband at one time; an obvious reason, among others being, that the lineage in this case cannot be preserved and protected, as it can be in the case of polygyny.

Rights of Women to Keep their Lineage

Under the Shari'ah, women have the right to own property and businesses, engage in financial transactions, vote, receive inheritance, obtain education, participate in legal and political affairs, and keep their maiden names. The fact that some Muslim societies do not always accord women all these rights is an example of how human beings can fall short of fully implementing the divine will.

Adultery

Zina (adultery or fornication) is among the practices that threaten posterity; hence the prohibition and punishment of *zina* in Islam. It is categorized as one of the major sins in Islam.

وَلَا تَقْرُبُوا الزِّنَا إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا

*"And do not go near adultery, for it is a shameful deed,
and an evil way." (al-Isra', 17:32)*

The penalty for adultery is open to debate. Most scholars will insist that the penalty as laid down in the Qur'an was 100 lashes, and there were various rules for regulating how lashes were to be given too. Other scholars maintain that the old penalty for adultery as laid down by the previous prophets was stoning (as in the Old Testament). By New Testament times, the prophet Jesus (pbuh) had the famous case where a guilty woman was forgiven and sent away, told only to sin no more. In some Muslim societies, judges and populaces might stone out of mistaken belief that this was what Islam required. In fact, Islam made it virtually impossible for the sentence of death for adultery to take place because to do so, the couple had to be actually witnessed performing the physical act by four people who were in a position to identify both parties without doubt; this virtually ruled out the penalty, since adultery is taken for granted as a secret act and something not done in public. However, the position of the four *madhahib* is that stoning is the punishment for adultery, which is possible to establish if the perpetrators confessed.

In the west, adultery has become so commonplace because of sexual freedoms—all the emphasis these days seems to be on finding sexual satisfaction; in Muslim societies, there is far less emphasis on sex. It is usually regarded as a weakness that can lead to all sorts of trouble. Family is far more important; the notion of a million unborn children per year being aborted and single mothers is abhorrent in Islam. There are strict rules in Islam regarding the intermingling between the two genders. Both men and women are instructed to lower their gazes and guard their private parts.

قُلْ لِلْمُؤْمِنِينَ يَعْضُوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى
لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ، وَقُلْ لِلْمُؤْمِنَاتِ يَعْضُنَ مِنْ
أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ

"Tell the believing men to lower their gaze and to guard their private parts. That is purer for them. Surely, Allah is well aware of what they do. And tell the believing women to lower their gaze and guard their private parts and not display their charms." (al-Nur, 24:30-31)

According to a hadith on the authority of Jabir bin Abdullah, the messenger of Allah (SAW) said,

مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلَا يَخْلُونَ بِامْرَأَةٍ لَيْسَ مَعَهَا ذُو
مَحْرَمٍ مِنْهَا فَإِنَّ تَالِثَهُمَا الشَّيْطَانُ

"Whoever believes in Allah and the Last Day must never be in privacy with a woman without there being a mahram⁴⁹ (of hers) with her, for otherwise Satan will be the third person with them."⁵⁰

The reason for this is not a lack of trust in one or both of them; it is rather to protect them from wrong thoughts and sexual feelings which naturally arise within a man and a woman when they are alone together without the fear of intrusion by a third person. Most of the moral depravity and vitiated state of the modern society is the result of disregarding these safeguards.

As creations of Allah (SWT), women are accorded spiritual equality with men. They are rewarded for prayer and charitable acts, and likewise held accountable for their actions, good or bad, while on earth.

وَمَنْ يَعْمَلْ مِنَ الصَّالِحَاتِ مِنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَأُولَٰئِكَ
يَدْخُلُونَ الْجَنَّةَ وَلَا يُظْلَمُونَ نَقِيرًا

⁴⁹ Mahram refers to a relationship of such degree that marriage is prohibited.

⁵⁰ Musnad Ahmad

"And whoever, male or female, does righteous deeds and is a believer will enter Paradise and will not be wronged by as much as a speck on a date-seed." (al-Nisa', 4:124)

Both men and women have responsibilities towards their families and societies, as is clear from the following *ayah* of the Qur'an.

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ
وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ
وَرَسُولَهُ أُولَئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

"The believing men and the believing women support each other; they ordain what is right and forbid what is wrong; they observe salah (regular prayers) and pay zakah (compulsory charity), and obey Allah and His Messenger. Allah will have mercy on them. Surely, Allah is Mighty, Wise." (al-Taubah, 9:71)

In Islam, the significance of preserving lineage is so crucial that the Prophet (SAW) said,

مَنْ ادَّعَى إِلَى غَيْرِ أَبِيهِ وَهُوَ يَعْلَمُ فَالْجَنَّةُ عَلَيْهِ حَرَامٌ

"Whoever knowingly claims to belong to anyone other than his father, paradise will be denied to him."⁵¹

In another hadith, the Prophet (SAW) said,

مَنْ ادَّعَى إِلَى غَيْرِ أَبِيهِ ، أَوْ تَوَلَّى غَيْرَ مَوَالِيهِ ، فَعَلَيْهِ لَعْنَةُ اللَّهِ ،
وَالْمَلَائِكَةِ ، وَالنَّاسِ أَجْمَعِينَ

"Whoever calls himself by other than his father's name (or attributes himself to someone other than his father) will be cursed by Allah, the angels, and all people."⁵²

⁵¹ Sahih al-Bukhari, Sahih Muslim, Musnad Ahmad

⁵² Sunan Ibn Majah

The Qur'an when referring to orphans, clearly states,

ادْعُوهُمْ لِآبَائِهِمْ هُوَ أَقْسَطُ عِنْدَ اللَّهِ فَإِنْ لَمْ تَعْلَمُوا آبَاءَهُمْ
فِإِخْوَانُكُمْ فِي الدِّينِ وَمَوَالِيكُمْ

"Call them after their fathers. That is more just with Allah. And if you do not know their fathers, then they are your brothers in faith and your friends." (al-Ahzab 33:5)

While sponsoring an orphan is a highly encouraged and virtuous act in Islam, adoption of a child is categorically forbidden as it may lead to confusion of lineage. Even a person who converts to Islam and changes his/her name has to keep the original family or last name to indicate the lineage of that person with his/her father. We learn from the *sirah* that Ikrama ibn Abi Jahl was called by the same name even after he embraced Islam. Although Abu Jahl was the staunchest enemy of Islam, yet Ikrama's name was always associated with his father's name. An exception to this general rule is in cases where names are changed to eliminate their anti-Islamic characteristic. The name Abd al-Shams (slave of the sun), for example, may be modified to an Islamic name, such as Abdullah (slave of Allah).

As mentioned earlier, Shari'ah demands total respect of all creation, including the fetus. To abort one's child is in essence tantamount to eliminating one's own lineage. Abortion or termination of the fetus is only legitimate if the mother has a health condition that makes the continuation of pregnancy a danger to her life. As indicated before, there are other indications as well. Fear of poverty is not a reason to kill or abort a fetus.

Preserving the lineage also has to do with recognizing and honoring one's parents. Children are commanded to take good care of their parents and treat them nicely and kindly. The rights of parents follow immediately after the rights of Allah (SWT).

وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَبِالْوَالِدَيْنِ إِحْسَانًا إِمَّا يَبْلُغَنَّ
عِنْدَكَ الْكَبِيرَ أَحَدُهُمَا أَوْ كِلَاهُمَا فَلَا تَقُلْ لَهُمَا أُفٍّ وَلَا تَنْهَرُهُمَا

وَقُلْ لَهُمَا قَوْلًا كَرِيمًا ، وَاخْفِضْ لَهُمَا جَنَاحَ الذُّلِّ مِنَ الرَّحْمَةِ
وَقُلْ رَبِّ ارْحَمْهُمَا كَمَا رَبَّيَانِي صَغِيرًا

"Your Lord has decreed that you worship none but Him alone, and that you be kind to your parents. Should one of them, or both, attain old age with you, do not say "Ugh!" to them (as an indication of complaint or impatience), nor repel them, rather speak gently to them. And lower your wing of humility to them out of mercy, and say, 'My Lord, have mercy on them, just as they cared for me when I was little.'" (al-Isra', 17:23-24)

Paying the parents back some of what they deserve in return when they are old is a very significant issue in the Islamic heritage. The Prophet (SAW) said,

رَغِمَ أَنْفُهُ ، ثُمَّ رَغِمَ أَنْفُهُ ، ثُمَّ رَغِمَ أَنْفُهُ ، قِيلَ : مَنْ يَا رَسُولَ اللَّهِ
؟ قَالَ : مَنْ أَدْرَكَ وَالِدَيْهِ عِنْدَ الْكِبَرِ أَحَدَهُمَا أَوْ كِلَيْهِمَا ،
ثُمَّ لَمْ يَدْخُلِ الْجَنَّةَ

*May he be disgraced! May he be disgraced! May he be disgraced! It was said, "Who, O Messenger of Allah?" He said, "The person whose parents, one or both of them, reach old age (during his lifetime) and does not enter Paradise (by rendering due services to them)."*⁵³

It is sad and disappointing that there is an increasing failure and shortcoming in this regard. There are many cases in the Muslim world where kids become less tolerant of their parents as they grow older and therefore less due respect is paid to them.

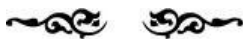
Keeping the ties of kith and kin is just as important and is part of the preservation of posterity. Allah (SWT) reminds us of this by saying,

⁵³ Sahih Muslim

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا

"O mankind! Be conscious of your Lord who created you from a single soul, and created its mate from it, and out of the two spread a multitude of men and women. And fear Allah in whose name you demand (your rights) from one another and (in the rights of) womb relations. Verily, Allah is ever watchful over you." (al-Nisa', 4:1)

Shari'ah regulates the life of a Muslim in all matters including marriage, divorce, inheritance, parenting, upbringing of children, rights of orphans, and ties of kith and kin. The aim is to keep the family line unambiguously defined. Thus, anything that upsets this is discouraged or prohibited.



Protection of Wealth

The Fourth Objective of Shari'ah

Concept of Wealth in Islam

Protection of wealth (*hifz al-mal*) is the fourth objective of the Shari'ah. The Islamic concept of wealth (*al-mal*), if understood and adhered to, ensures the protection of wealth, whether private or public. Unlike the capitalistic ideology, which believes that man owns what he possesses and that it is at his free disposal, Islam teaches that our possessions and resources are only a trust (*amanah*) whose actual owner is Allah (SWT).

وَلِلَّهِ مَا فِي السَّمَاوَاتِ وَمَا فِي الْأَرْضِ وَإِلَى اللَّهِ تُرْجَعُ الْأُمُورُ

"Everything in the heavens and on earth belongs to Allah; and all matters return to Allah." (Aal 'Imran, 3:109)

We also have in *Surat al-Munafiqun*,

وَلِلَّهِ خَزَائِنُ السَّمَاوَاتِ وَالْأَرْضِ

"The treasures of the heavens and the earth belong to Allah." (al-Munafiqun, 63:7)

Islam teaches that what we earn and apparently own is nothing but a bounty from Allah (SWT).

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَى ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ ذَلِكُمْ خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ، فَإِذَا قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِنْ فَضْلِ اللَّهِ وَاذْكُرُوا اللَّهَ كَثِيرًا لَعَلَّكُمْ تُفْلِحُونَ

"O you who believe, when the call to prayer is made on the day of congregation (Jumu'ah), hasten to the remembrance of Allah and leave off your trading. That is better for you, if you only knew. When the prayer ends, disperse through the land and seek Allah's

bounty; and remember Allah frequently, so that you may prosper.” (al-Jumu’ah, 62:9-10)

As a matter of fact, everything belongs to Allah alone, and He will inherit it all.

وَلِلَّهِ مِيرَاثُ السَّمَاوَاتِ وَالْأَرْضِ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ

“It is Allah who will inherit the heavens and earth; Allah is well aware of what you do.” (Aal ‘Imran, 3:180)

We are also told that what we possess is a test from Allah (SWT).

وَاعْلَمُوا أَنَّمَا أَمْوَالُكُمْ وَأَوْلَادُكُمْ فِتْنَةٌ وَأَنَّ اللَّهَ عِنْدَهُ أَجْرٌ عَظِيمٌ

“And know that your wealth and children are a trial, and that there is an immense reward with Allah.” (al-Anfal, 8:28)

One can only claim what is one’s legitimate right. The rest belongs to Allah (SWT) and must be spent according to His wishes, such as helping the less fortunate among us, including our relatives, poor people, and wayfarers. This should not be misunderstood to mean that man has no control over his wealth. After payment of the obligatory charity and other mandatory expenditures, a person’s money belongs to him or her and no one has the authority to usurp that.

وَأَتِ ذَا الْقُرْبَىٰ حَقَّهُ وَالْمِسْكِينَ وَابْنَ السَّبِيلِ وَلَا تُبَذِّرْ تَبْذِيرًا

إِنَّ الْمُبَذِّرِينَ كَانُوا إِخْوَانَ الشَّيَاطِينِ وَكَانَ الشَّيْطَانُ لِرَبِّهِ كَفُورًا

“And give your relatives their due, and the needy, and the wayfarer and do not squander your wealth extravagantly, for verily those who squander are the brothers of Satan, and Satan is ungrateful to his Lord.” (al-Isra’, 17:26-27)

Extravagance of any sort is prohibited in Islam, and those who do this are described as brothers of Satan. While enjoying the bounties of Allah (SWT) is encouraged, any sort of wasting is discouraged.

يَا بَنِي آدَمَ خُذُوا زِينَتَكُمْ عِنْدَ كُلِّ مَسْجِدٍ وَكُلُوا وَاشْرَبُوا وَلَا
تُسْرِفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ

*"O children of Adam, dress well at every place of worship, and eat and drink, but do not waste, for He does not love the wasteful."
(al-A'raf, 7:31)*

The Qur'an describes believers as those who are moderate in their spending habits.

وَالَّذِينَ إِذَا أَنْفَقُوا لَمْ يُسْرِفُوا وَلَمْ يَقْتُرُوا وَكَانَ بَيْنَ ذَلِكَ قَوَامًا

"And they (the servants of the Merciful) are those who are neither wasteful nor niggardly when they spend, but keep to a just balance." (al-Furqan, 25:67)

This is, in a nutshell, the concept of wealth in Islam.

Protection of Wealth

Shari'ah demands that wealth, whether personal or public, be protected. Among the things that help preserve and protect wealth is the encouragement of trade and investment, which promotes economic growth and reduces unemployment and dependence of individuals on the state. In order to keep the economy flourishing, money needs to be kept in circulation, passing from the hands of those who have it to those who need it in exchange of goods, services, or profit through trade and investment. Trade is the exchange of goods and services by a medium of exchange, which is money, while investment involves taking a risk with hope for future gains, whether through production and sale of goods or lending money for a share in the profits he earned. The Arabic word for investment is *istithmar*, which literally means to bear fruit. The crop may be good or bad; hence the element of risk in investment.

While lending money for a share in a business is permissible on a profit and loss basis, lending money on usury, which has assumed the euphemistic name of 'interest', is forbidden. It is worth noting

that, besides the Qur'an, earlier scriptures before Islam had also prohibited usury.

The Qur'an reminded the Jews that their scriptures had prohibited usury.

وَأَخَذِهِمُ الرِّبَا وَقَدْ نُهُوا عَنْهُ

"And for their taking usury (interest), although it had been forbidden to them." (al-Nisa', 4:161)

The prohibition of usury is still available in the Bible.

"Thou shalt not lend upon usury to thy brother; usury of money, usury of victuals, usury of anything that is lent upon usury." [Deuteronomy 23:19]. "And Jesus went into the temple of God and cast out all those who sold and bought in the temple, and overthrew the tables of the money-changers (who were ripping-off the people through usury)...and said unto them: It is written; my house shall be called the house of prayer, but you have made it a den of thieves." [Gospel of St. Mathew:-21:12-3].

The usual argument of those who deal in usury has always been that usury is like trading. Their false stand is categorically refuted by the Qur'an, when it says,

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ
الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ
اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا

"Those who take usury will rise up on the Day of Resurrection like someone tormented by Satan's touch. That is because they say, 'Trade and usury are the same,' But Allah has permitted trade and He has forbidden usury." (al-Baqarah, 2:275)

According to Shaikh al-Qaradawi, a contemporary Islamic jurist (*faqih*), the strict prohibition of usury/interest in Islam is a result of its deep concern for the moral, social, and economic welfare of mankind. Al-Qaradawi, in his book entitled *The Permissible and the Prohibited (al-Halal wa al-Haram)* has incorporated quotes from the

exegesis of Imam Fakhr al-Din al-Razi. The meanings of some of these quotes are: (1) The taking of interest implies appropriating another person's property without giving him anything in exchange because one who lends one dirham (a currency of the Middle East) for two dirhams gets the extra dirham for nothing; (2) Dependence on interest prevents people from working to earn money, since the person with money can earn an extra dirham through interest either in advance or at a later date without working for it; (3) Permitting the taking of interest discourages people from doing good to one another as is required by Islam; (4) The lender is very likely to be wealthy and the borrower poor. If interest is allowed, the rich will exploit the poor, and this is against the spirit of charity and mercy.⁵⁴

In a society in which interest is lawful, the strong benefit from the suffering of the weak. As a result, the rich become richer and the poor poorer, creating socio-economic classes separated by wide gulfs. Islam with its characteristic method of dealing with the 'prohibited' does not confine the sin of dealing in usury to the lender alone, but considers all parties in the usurious transaction as accomplices. There are several prophetic traditions re-affirming the prohibition of interest. Here is just one of them:

لَعَنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَكِلَ الرَّبَا وَمُؤَكِّلَهُ وَكَاتِبَهُ
وَشَاهِدِيهِ وَقَالَ هُمْ سَوَاءٌ.

*"Jabir Ibn Abdullah reported that the Prophet (SAW) cursed the receiver of interest as well as its giver; the scribe of the interest-deed and the witnesses to it and further said that they are all equal (in the act of committing the sin)."*⁵⁵

Thus, the hadith covers nearly all the parties involved in the usurious transaction—the lender, borrower, the party drafting the contract (lawyers, agents, etc.), and all those who are witnesses to the deal. Therefore, it is undeniable and irrefutable that interest, especially after its institutionalization, is among the leading practices that threaten the protection of wealth and property.

⁵⁴ See Exegesis of the Qur'an (*Tafsir*) by al-Fakhr al-Deen al-Razi, vol. 7, p. 4

⁵⁵ Sahih Muslim

Among other things that threaten the protection of wealth is hoarding, which is a kind of business exploitation of consumers. The lust for money and the overemphasis on profit maximization leads to hoarding of essential commodities during the periods of scarcity and crises, with a view to selling the same at lucrative prices. Artificial scarcity of certain products is sometimes deliberately created by businessmen by hoarding large stocks. Islam vehemently condemns hoarding and warns businessmen about the dreadful consequences of this behavior. The Messenger of Allah (SWT) said:

مَنْ احْتَكَرَ ، فَهُوَ خَاطِئٌ

*"One who hoards (things for increasing their prices)
is a wrong doer."⁵⁶*

The whole idea of the prohibition of interest and hoarding is that money does not circulate only among the rich.

كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ

*"In order that it may not circulate between the rich among you."
(al-Hashr, 59:7)*

Charity is another way to keep money circulating. Zakah or the annual obligatory charity is a perfect example of that. The Prophet (SAW) said,

مَا نَقَصَتْ صَدَقَةٌ مِنْ مَالٍ

"Charity does not diminish one's wealth."⁵⁷

This hadith may be interpreted to mean that Allah (SWT) increases manifolds the wealth spent for His sake. This is well illustrated in the Qur'anic *ayah*,

⁵⁶ Sahih Muslim

⁵⁷ Sahih Muslim

مَثَلُ الَّذِينَ يُنْفِقُونَ أَمْوَالَهُمْ فِي سَبِيلِ اللَّهِ كَمَثَلِ حَبَّةٍ أَنْبَتَتْ سَبْعَ
سَنَابِلَ فِي كُلِّ سُنبُلَةٍ مِئَةُ حَبَّةٍ وَاللَّهُ يُضَاعِفُ لِمَنْ يَشَاءُ وَاللَّهُ
وَاسِعٌ عَلِيمٌ

"The example of those who spend their wealth in the Way of Allah is that of a grain which produces seven ears, each bearing one hundred grains. Allah gives manifold increase to whomever He wills. Allah is All-Encompassing, All-Knowing." (al-Baqarah, 2:261)

Another explanation of this hadith in economic terms is that if one dollar goes in the hands of a rich person, it will usually be retained by him as he has no need to spend it, whereas if the same goes in the hands of a poor person, he will spend it, and the dollar thus spent will change hands, thus making it more effective than the dollar lying idle with the rich person. It can be argued, therefore, that the giving of a dollar by way of charity has not decreased, rather increased in the material sense and also by way of reward from Allah (SWT).

Shari'ah adopts legislative measures to protect the wealth of people. Any person charged with fraud, embezzlement, bribery, cheating or any other financial crime is subject to prosecution. All false means of ripping off people are strongly condemned and prohibited.

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْخُلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا
فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

"Do not eat up each other's property by false means, nor use it to bribe judges intending sinfully and knowingly to consume parts of other people's property." (al-Baqarah 2:188)

People are commanded to be just in their business dealings. Deterrent punishments are prescribed for theft, burglary, robbery, banditry, and the like, for safeguarding people's properties and for the larger good of the society. Cases of financial scams, frauds, kickbacks, money laundering, and other gross financial irregularities around the world, especially in the highest echelons of governments and corporations, are far too many to enumerate.

Shari'ah goes a long way to protect the rights and properties of orphans.

وَلَا تَقْرُبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ وَأَوْفُوا
الْكَيْلَ وَالْمِيزَانَ بِالْقِسْطِ

"Stay away from the property of orphans, except with the best (intentions), until they come of age; and give full measure and weight with justice" (al-An'am, 6:152)

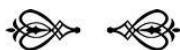
While Shari'ah allows useful investment of the orphan's property and allows the guardian to take a share by way of wages for the work done, the wealth of the orphan solely belongs to the orphan and not to anybody else. People are warned against any encroachment upon or foul play with the orphan's property.

وَأَتُوا الْيَتَامَىٰ أَمْوَالَهُمْ وَلَا تَتَبَدَّلُوا الْخَيْرَ بِالْطَّيِّبِ وَلَا تَأْكُلُوا
أَمْوَالَهُمْ إِلَىٰ أَمْوَالِكُمْ إِنَّهُ كَانَ حُوبًا كَبِيرًا

"Give the orphans their property, and do not replace (their) good things with (your) bad things, and do not consume their property with your own, for truly it is a great sin!" (al-Nisa', 4:2)

Shari'ah pledges to protect the wealth of non-Muslims even if what is considered as valuable to them may be of no significance to the Muslims in terms of being of any material value, such as pig or liquor. According to Imam Abu Hanifa, if a Muslim squanders or spoils such property of another Muslim, he could not be called upon for compensation. Yet, if a Muslim spoils such assets belonging to a non-Muslim, he would be responsible for compensation.

It may be concluded that protection of wealth is among the necessities or essentials (*daruriyat*) required for establishment of welfare of the people at large.



Protection of Intellect

The Fifth Objective of Shari'ah

The fifth objective of Shari'ah is the protection of intellect (*hifz al-'aql*). Among the most cherished gifts of Allah (SWT) is the faculty of *al-'aql* (intellect), which differentiates human beings from animals. It is through this faculty one is able to reason and make sound judgments. Such a precious blessing needs protection. What is *al-'aql*? What is its purpose? Where does it reside in the human body? These are questions that need to be expounded because *al-'aql* plays an important role in man's life. It can either benefit or ruin man in both worlds; hence the necessity to preserve and protect it.

Al-'aql, which is derived from the root '*aqala*', means to detain, to arrest, to comprehend, and to have intelligence. As a term, it means intellect, discernment, and intelligence. It may be defined or understood as the mind's ability to apply knowledge to a problem solving situation or a power of the mind by which one knows or understands. It does not constitute any physical part of our body, but is a faculty that enables us to reason, think, plan, and learn. It is *al-'aql* that differentiates man from animals and makes him occupy a unique position among Allah's creations.

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ
الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِمَّنْ خَلَقْنَا تَفْضِيلًا

"And We have indeed honored the children of Adam and carried them by land and sea; We have provided good sustenance for them; and favored them far above most of Our creation." (al-Isra', 17:70)

People generally believe that the seat of *al-'aql* is the brain. The Qur'an tells us that it is the heart. Allah (SWT) explains this by saying,

أَفَلَمْ يَسِيرُوا فِي الْأَرْضِ فَتَكُونَ لَهُمْ قُلُوبٌ يَعْقِلُونَ بِهَا أَوْ
 آذَانٌ يَسْمَعُونَ بِهَا

*"Have they not travelled through the land with hearts to reason
 with or ears to hear with?" (al-Hajj, 22:46)*

To clarify the matter, Allah (SWT) specifically refers to the heart that is in the chest, which implies the physical heart that is responsible for the intellect. This is further corroborated by the hadith which states,

أَلَا وَإِنَّ فِي الْجَسَدِ مُضْغَةً إِذَا صَلَحَتْ صَلَحَ الْجَسَدُ كُلُّهُ وَإِذَا
 فَسَدَتْ فَسَدَ الْجَسَدُ كُلُّهُ ، أَلَا وَهِيَ الْقَلْبُ

*"Indeed there is in the body a piece of flesh which if it is sound,
 then the whole body is sound; and if it is corrupt, then the whole
 body is corrupt. Indeed it is the heart."⁵⁸*

The brain is like the central processing unit (CPU) of the body, where all information and data are collected through the faculties of hearing and seeing, and then transmitted to the heart, but it is the heart that makes the decision and commands the brain to do or not to do something. Therefore, it is the heart that is responsible for comprehending and understanding. This becomes all the more clear with the *ayah*,

وَلَقَدْ ذَرَأْنَا لِجَهَنَّمَ كَثِيرًا مِنَ الْجِنَّ وَالْإِنْسِ لَهُمْ قُلُوبٌ لَا يَفْقَهُونَ بِهَا

*"And most certainly We have destined for hell many of the jinn
 and men who have hearts with which they fail to understand"*
 (al-'A'raf, 7:179)

In the following *ayah*, the Qur'an uses the word *fu'ad* to mean both heart and intellect. *Surat al-Qasas* explains,

⁵⁸ Sahih al-Bukhari

وَأَصْبَحَ فُؤَادُ أُمِّ مُوسَىٰ فَارِغًا إِنْ كَادَتْ لَتُبْدِي بِهِ لَوْلَا أَنْ رَبَطْنَا
عَلَىٰ قَلْبِهَا لِتَكُونَ مِنَ الْمُؤْمِنِينَ

*"Moses' mother felt a great emptiness in her heart (fu'ad), and she was going almost to disclose his (case) had We not strengthened her heart (with faith), so that she might remain a (firm) believer."
(al-Qasas, 28:10)*

The same word *fu'ad* is used to mean intellect as we have in *Surat al-Mulk*,

قُلْ هُوَ الَّذِي أَنْشَأَكُمْ وَجَعَلَ لَكُمُ السَّمْعَ وَالْأَبْصَارَ
وَالْأَفْئِدَةَ قَلِيلًا مَّا تَشْكُرُونَ

"Say (O Muhammad), 'It is He who brought you into being and gave you hearing, sight, and understanding (af'idah, plural of fu'ad). What little thanks you give!'" (al-Mulk, 67:23)

Referring to Ibrahim (AS), Allah (SWT) talks about his sound heart (*al-qalb al-saleem*) that refused to reconcile with the polytheism of the idolatrous household and environment in which he was living, and was both rationally and inherently directed towards *tawhid* or the absolute oneness of Allah (SWT).

وَإِنَّ مِنْ شِيعَتِهِ لَإِبْرَاهِيمَ إِذْ جَاءَ رَبَّهُ بِقَلْبٍ سَلِيمٍ

"Verily among those who followed his way (Noah's) was Abraham, when he came to his Lord with a sound heart." (al-Saffat, 37:83-84)

Allah (SWT) certifies to Ibrahim (AS)'s pure monotheism when He says,

وَمَا كَانَ مِنَ الْمُشْرِكِينَ

"And he (Abraham) was not of those who associate partners with Allah." (al-Baqarah, 2:135)

There are two main purposes of the intellect. The first is to reflect and recognize the signs around us in order to arrive at the

truth. The second is to think and plan of how to live our religious and secular lives in this world in the best way possible.

Among the things that help us preserve and protect the intellect are the obligation of learning and the obligation of reflection. Seeking beneficial knowledge helps protection and strengthening of faith. According to a hadith,

طَلَبُ الْعِلْمِ فَرِيضَةٌ عَلَى كُلِّ مُسْلِمٍ وَمُسْلِمَةٍ

"Seeking knowledge is an obligation upon every Muslim male and female."⁵⁹

There is another hadith that says,

مَنْ سَلَكَ طَرِيقًا يَلْتَمِسُ فِيهِ عِلْمًا سَهَّلَ اللَّهُ لَهُ بِهِ طَرِيقًا إِلَى الْجَنَّةِ

"If anyone pursues a path in search of knowledge, Allah (SWT) will thereby make easy for him a path to paradise."⁶⁰

The very first word revealed to Prophet Muhammad (SAW) was the imperative or command "Read," which denotes knowledge. It was the urge to seek knowledge that had made the early Muslims during their heyday ahead of their times. This Islamic thinking that remained the dominant paradigm of the whole humanity for centuries needs to be revived and revitalized. Allah (SWT) acknowledges the difference between those who have knowledge and those who don't.

قُلْ هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ لَا يَعْلَمُونَ
إِنَّمَا يَتَذَكَّرُ أُولُو الْأَلْبَابِ

"Say (O Muhammad), 'How can those who know be equal to those who do not know?' Only those who exercise their intellect take heed." (al-Zumar, 39:9)

⁵⁹ Al-Bayhaqi and Al-Tabarani

⁶⁰ Sahih Muslim

The possessor of true knowledge in fact is close to Allah (SWT) and close to truth.

إِنَّمَا يَخْشَى اللَّهَ مِنْ عِبَادِهِ الْعُلَمَاءُ

*"Only those of Allah's servants who have knowledge fear Allah."
(Fatir, 35:28)*

To reflect, ponder, and contemplate in order to recognize the truth is also a source of preserving and protecting the intellect. There is a reality of the world of matter that can be observed and experienced through our senses. There is another reality that belongs to the realm of the unseen. For example, even though we do not see Allah (SWT) as He is transcendent, yet by pondering over His countless signs spread around us, our intellect can rationalize His existence as an undeniable reality. The Qur'an invites us to reflect on the signs of Allah (SWT).

إِنَّ فِي خَلْقِ السَّمَاوَاتِ وَالْأَرْضِ وَاخْتِلَافِ اللَّيْلِ وَالنَّهَارِ لَآيَاتٍ
لِّأُولِي الْأَلْبَابِ الَّذِينَ يَذْكُرُونَ اللَّهَ قِيَامًا وَقُعُودًا وَعَلَىٰ جُنُوبِهِمْ
وَيَتَفَكَّرُونَ فِي خَلْقِ السَّمَاوَاتِ وَالْأَرْضِ رَبَّنَا مَا خَلَقْتَ هَذَا بَاطِلًا
سُبْحَانَكَ فَقِنَا عَذَابَ النَّارِ

"Verily, in the creation of the heavens and the earth, and the alternation of night and day, there are indeed signs for men of understanding; those who remember Allah, standing, sitting, and lying on their sides, and reflect on the creation of the heavens and the earth, (saying), 'Our Lord, You have not created this without purpose. Glory be to You! So protect us from the torment of the fire.'" (Aal 'Imran, 3:190-191)

Man, when he reflects on the signs of Allah (SWT), using his pure heart, reaches the conclusion that there can be only one God who is responsible for the existence of this whole universe.

Although man has made great strides in gaining knowledge of the material world, yet he continues to struggle to find answers to the basic fundamental questions, such as, "Who am I?", "From

where have I come, and where do I go after I die?", and "What is the purpose of life?" The answers to such questions can only be known through revelations that have been revealed to the prophets and messengers by Allah (SWT) from the dawn of human history.

Once a framework of belief is established and our relationship with the creator and the creation are understood, we can use our intellect to think and plan in order to live our worldly and spiritual lives in the best way possible. Emphasizing the importance of achieving excellence and perfection in whatever we do, the Prophet (SAW) said,

إِنَّ اللَّهَ كَتَبَ الْإِحْسَانَ عَلَى كُلِّ شَيْءٍ
"Allah has ordained excellence in everything."⁶¹

He (SAW) also said,

إِنَّ اللَّهَ تَعَالَى يُحِبُّ إِذَا عَمِلَ أَحَدُكُمْ عَمَلًا أَنْ يُتْقِنَهُ
"Allah, the Exalted, loves that whenever any of you do something,
do it to perfection."⁶²

It is meaningful to practice our faith with full use of the intellect. This is conducive to understanding the wisdom behind Allah (SWT)'s commands and prohibitions, and behind the various modes of worship. We learn from the Qur'an that *salah* helps us in the remembrance of Allah (SWT), fasting helps us to attain *taqwa* (consciousness of Allah), *zakah* helps us to purify our wealth and *hajj* helps us to renew our covenant with Allah (SWT) and seek His forgiveness. Understanding the wisdom behind the modes of worship makes them more meaningful. They no longer remain something to be done out of habit and tradition. Thus, the God gifted faculties of hearing, seeing, and intellect have to be put to good use at all levels, whether individual and collective or private and public.

⁶¹ Sahih Muslim

⁶² Al-Bayhaqi

As a rule of thumb, Shari'ah prohibits anything that threatens the protected, inalienable rights of people pertaining to their faith, life, wealth, posterity, and intellect. Going by this rule, there are two main things that threaten the 'aql or intellect. These are: (1) intoxicants and (2) entertaining or cultivating harmful thoughts and ideas. Hence, both of them are prohibited in Islam.

Khamr is the generic Qur'anic term for every intoxicant. All speculations about a certain substance being *khamr* or not and whether it is prohibited or not have been resolved by the prophetic hadith which unequivocally states,

كُلُّ مُسْكِرٍ خَمْرٌ وَكُلُّ خَمْرٍ حَرَامٌ

*"Every intoxicant is khamr and every khamr is prohibited."*⁶³

The Prophet (SAW) also defined *khamr* as anything which befogs the mind. Intoxicants dull the brain, cloud the mind, and produce psychedelic effects that affect the brain. The heart gets wrong signals from the brain and therefore its capacity to make sound and correct decisions is impaired. There are people who argue that there are benefits in drinking and gambling. Allah (SWT) informs in the Qur'an that the harm and sin of indulging in these habits is far greater than their benefits. Hence, intoxicants and gambling are both prohibited.

يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ
وَمَنَافِعُ لِلنَّاسِ وَإِثْمُهُمَا أَكْبَرُ مِنْ نَفْعِهِمَا

"They ask you (O Muhammad) concerning intoxicants and gambling. Say, 'There is a great sin in both, and some benefit for people, but their sin is greater than their benefit.'" (al-Baqarah, 2:219)

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنصَابُ وَالْأَزْلَامُ رِجْسٌ
مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ

⁶³ Sahih Muslim

"O you who believe, intoxicants, gambling, idolatrous sacrifices at altars, and divining arrows are but abominable acts of Satan. Therefore, avoid them so that you may prosper." (al-Ma'idah, 5:90)

Entertaining and cultivating harmful thoughts and ideas may distract us from the truth. This practice constitutes a threat to the intellect and is therefore discouraged. An example of this is to delve into the issue of the essence and being of Allah (SWT). We are not permitted to enter into debates and discussions about the Supreme Being. The Prophet (SAW) is reported to have advised people to think about anything other than the essence of Allah (SWT). He also advised us to reflect on the creation of Allah (SWT) but not to reflect on His Being. This is because the Being of Allah (SWT) is incomprehensible.

لَيْسَ كَمِثْلِهِ شَيْءٌ

"There is nothing like Him." (al-Shura, 42:11)



Protection of Human Rights

A Further Objective of Shari'ah

According to most classical Muslim scholars, the objectives of the Shari'ah (*Maqasid al-Shari'ah*), as discussed above, are five: protection of faith, life, wealth, progeny, and intellect. However, there are other classical and contemporary scholars who add other objectives to these five well-known standard objectives. According to Imam al-Ghazali, anything that furthers the five objectives of the Shari'ah is *maslahah* (beneficial) and anything that runs contrary to them is *mafsadah* (detrimental). For Imam Ibn Taymiyyah, values such as fulfillment of contracts, preservation of ties of kinship, honoring the right of neighbors, and trustworthiness are also among the objectives of Shari'ah. Imam Ibn Ashour includes preservation of family and social order, as well as promotion of the well being and righteousness of the community among Shari'ah's objectives. In contemporary times, Sheikh Yusuf al-Qaradawi has further extended the list to include human dignity, freedom, social welfare, and human fraternity among the higher objectives of the Shari'ah. The objectives spelled out by these scholars are upheld by evidences in the Qur'an and the *Sunnah*, the two main sources of Shari'ah.

All values mentioned above are the inalienable and unalterable rights granted to human beings by Allah (SWT), the ultimate law giver (*Shari'*), and are considered the basic human rights in Islam. The distinguishing feature of human rights in Islam is that these rights are the natural outcome of a broader practice of faith, deeds, and social behavior that Muslims believe are divinely mandated. The Quran says,

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ
الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُم لَعَلَّكُمْ تَذَكَّرُونَ ، وَأَوْفُوا بِعَهْدِ
اللَّهِ إِذَا عَاهَدْتُمْ وَلَا تَنْفُضُوا الْأَيْمَانَ بَعْدَ تَوْكِيدِهَا وَقَدْ جَعَلْتُمُ اللَّهَ
عَلَيْكُمْ كَفِيلًا إِنَّ اللَّهَ يَعْلَمُ مَا تَفْعَلُونَ

*"Verily, Allah commands justice, the doing of good, and giving to relatives, and He forbids immorality, doing wrong, and oppression. He exhorts you so that you may take heed. And fulfill Allah's covenant when you have made a pledge, and do not break your oaths after you have confirmed them, for you have made Allah your guarantee. Surely Allah knows what you do."
(al-Nahl, 16:90-91)*

What constitutes human rights? Can we come to a common understanding of these rights and thereby ensure that these are universally granted to every member of society? These questions have been the subject of historic documents such as *The Magna Carta*, *The French Declaration of the Rights of Man*, *The American Bill of Rights*, and *The Geneva Convention*. What is often overlooked, however, is that these questions have also been addressed by various religious traditions. The Islamic model of human rights in particular is striking in its rigor, vision, and relevance to modern times. Islam's contribution to human rights can be appreciated when compared against the backdrop of world history and the realities of modern times. Social, racial, gender, and religious inequities have always existed. Economic and social disparities have resulted in oppression of the lower classes; racial prejudices have been the cause of subjugation and enslavement of people with darker skin; women have been weighed down by chauvinistic attitudes, and pervasive attitudes of religious superiority have led to widespread persecution of people with different beliefs.

When considering the question of human rights and Islam, it is important to remember the distinction between textually prescribed rights, and their misapplication and misinterpretation by imperfect human beings. Just as Western societies still fight against racism and discrimination, Muslim societies struggle to fully implement Islamic human rights. It is incumbent upon every Muslim to honor and enforce these rights. The Qur'an categorizes those who fail to do so as *kafirun* (disbelievers), *zalimun* (wrongdoers), and *fasiqun* (transgressors).

وَمَنْ لَمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ

"And whoever does not judge by what Allah has sent down, such are the disbelievers (kafirun)." (al-Ma'idah, 5:44)

وَمَنْ لَمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

"And whoever does not judge by what Allah has sent down, such are the wrongdoers (zalimun)." (al-Ma'idah, 5:45)

وَمَنْ لَمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْفَاسِقُونَ

"And whoever does not judge by what Allah has sent down, such are the defiantly disobedient ones (fasiqun)." (al-Ma'idah, 5:47)

Sheikh Sayyid Abul A'la al-Mawdudi has enumerated and expounded these human rights, some of which are: right to life and safety, respect for the chastity of women, right to a basic standard of life, individual's right to freedom, right to justice, right to the principle of equality of human beings, right to cooperate and not to cooperate, etc.⁶⁴



⁶⁴ Sayyid Abul A'la al-Mawdudi, *Human Rights in Islam*, (Da'wah Academy, International Islamic University, Islamabad, 1999), pp. 7-37.

Human Rights in Islam

The Right to Life and Safety

The most basic right of a human being is the right to live. Islam's position on life is that it is a sacred trust from Allah (SWT). No human being is permitted to take the life of another, unless it is for justice administered by a competent court following due process of law. Not only do human beings have the right not to be harmed, they have the right to be safeguarded from harm—physical or otherwise. So under Islamic law, people are legally liable, for instance, if they did not prevent a blind man from dying of a perilous fall provided they were in a position to do so. This subject has been discussed earlier while discussing 'protection of life' as one of the objectives of Shari'ah.

Even in a state of war, Islam enjoins that one deals with the enemy nobly on the battlefield. Islam has drawn a clear line of distinction between the combatants and the non-combatants of the enemy country. As far as the non-combatant population is concerned, such as women, children, the old, and the infirm, etc., the instructions of the Prophet (SAW) are as follows:

لَا تَقْتُلُوا شَيْخًا فَانِيًا ، وَلَا طِفْلًا صَغِيرًا ، وَلَا امْرَأَةً ، وَلَا تَغْلُوا

*"Do not kill a feeble old man, or a young infant, or a child, or a woman; and do not commit excesses."*⁶⁵

From this statement of the Prophet the jurists have drawn the principle that those who are non-combatants should not be killed during or after the war. Thus non-combatants are guaranteed security of life even if their state is at war with an Islamic state. In connection with the right to life, the right to safety of life is stressed in the Qur'an.

⁶⁵ Sunan Abu Dawud

وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا

"And if any saves a life, it is as if he saves the lives all mankind"
(al-Ma'idah, 5:32).

The duty of saving life extends to all human beings without any distinction or discrimination. Saving a life could take any form – providing food to the hungry, medical aid to the sick and wounded, saving someone from drowning or from fire, or any other precarious condition. We are one human family. The Prophet (SAW) in a hadith states:

الْخَلْقُ كُلُّهُمْ عِيَالُ اللَّهِ

*"The whole creation is like a family to Allah."*⁶⁶

Respect for the Chastity of Women

Mawdudi explains that a woman's chastity is to be respected and protected under all circumstances, irrespective of whether she belongs to our own nation or to our enemy's nation; whether she is a Muslim, non-Muslim, or an atheist. A Muslim cannot outrage a woman under any circumstances. All promiscuous relationships have been forbidden to him, irrespective of the status or position of the woman, whether the woman is a willing or an unwilling partner to the act.⁶⁷ The words of the Qur'an in this respect are:

وَلَا تَقْرُبُوا الزِّنَا إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا

*"And do not go near adultery, for it is a shameful deed,
and an evil way."* (al-Isra', 17:32)

Heavy punishment has been prescribed for this crime, and the order has not been qualified by any conditions. Since the violation of chastity of a woman is forbidden in Islam, a Muslim who perpetrates this crime cannot escape punishment, whether he

⁶⁶ al-Bayhaqi and al-Tabarani

⁶⁷ Mawdudi, *Human Rights in Islam*, p. 16.

receives it in this world or in the Hereafter. This concept of sanctity of chastity and protection of women can be found nowhere else except in Islam. Generally, women are exploited and abused. Their physical charm and beauty are brazenly displayed for commercial ends. Islam, on the other hand, ensures the blocking of all avenues that may lead to violation of chastity of women. Allah (SWT) commands both believing men and believing women to lower their gazes and guard their modesty,

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى
لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ
أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا
وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَى جُيُوبِهِنَّ

“(O prophet) tell the believing men that they should lower their gaze and guard their private parts. That is purer for them. Allah is well aware of what they do. And tell the believing women that they should lower their gaze, guard their private parts, and not display their charms beyond what is acceptable to show and draw their head-coverings over their bosoms.” (al-Nur, 24:30-31)

The history of the Muslims, apart from a few lapses of individuals here or there, has been free from this crime against womanhood. It has never happened that after the conquest of a foreign country, the Muslim army has gone about raping the women of the conquered people, or in their own country, the government has arranged to provide prostitutes for them. This is also a great blessing that the human race has received through Islam.

The Right to a Basic Standard of Life

It is an obligation on the state and all people to ensure that the basic standard of life is provided to anyone who is unable to take care of himself/herself.

وَفِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ وَالْمَحْرُومِ

"And in their wealth there is an acknowledged right for the beggar and the deprived." (al-Zariyat, 51:19)

The words of this injunction show that it is a categorical and unqualified order. This *ayah* was revealed in Mecca when there was no Muslim society in existence yet. Muslims had to encounter disbelievers in Mecca. This situation when related with this *ayah* means that anyone who suffers from deprivation has a right in the wealth and property of the Muslims, irrespective of the person's faith, color, ethnic background, nationality, etc. If one is in a position to help and a needy person asks one for help or if one comes to know that he is in need, then it is one's duty to help him. This is his right over a Muslim, which has to be honored.

Individual's Right to Freedom

Man is born free. Islam has clearly and categorically forbidden the primitive practice of capturing a free man to make him a slave or to sell him into slavery. On this point the clear and unequivocal words of the Prophet (SAW) are as follows:

قَالَ اللَّهُ تَعَالَى: ثَلَاثَةٌ أَنَا خَصْمُهُمْ يَوْمَ الْقِيَامَةِ: رَجُلٌ أَعْطَى بِي ثُمَّ غَدَرَ، وَرَجُلٌ بَاعَ حُرًّا فَأَكَلَ ثَمَنَهُ، وَرَجُلٌ اسْتَأْجَرَ أَجِيرًا فَاسْتَوْفَى مِنْهُ وَلَمْ يُعْطِ أَجْرَهُ

*"Allah the Exalted said, 'There are three (types of people) whose adversary I shall be on the Day of Resurrection: a man who has given his word by Me and has broken it; a man who has sold a free man and has consumed the price; and a man who has hired a workman, has exacted his due in full from him and has not given him his wage.'"*⁶⁸

The words of this tradition of the Prophet (SAW) are also general, they have not been qualified or made applicable to a particular nation, race, country, or followers of a particular religion. It was fourteen centuries ago that Islam addressed the inhumane

⁶⁸ Sahih al-Bukhari

practice of slave trade. Freeing a slave was not only a means of expiation (*kaffarah*), but also a virtue of the highest order.

وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَّةٌ مُسْلِمَةٌ إِلَى أَهْلِهِ

"And if anyone kills a believer by mistake, he must free one Muslim slave and pay compensation to the victim's relatives."
(*al-Nisa'*, 4:92)

وَمَا أَدْرَاكَ مَا الْعَقْبَةُ - فَكُّ رَقَبَةٍ

*"What will explain to you what the steep path is?
It is to free a slave."* (*al-Balad*, 90:12-13)

Inspired by such divine injunctions to be kind to slaves and to free them, the Prophet (SAW), his kith and kin, and his companions freed a large number of slaves. It was within a short period of thirty to forty years that the centuries old practice of slavery was abolished from Arab lands.

Right to Justice

Islam requires that Muslims possess upright character and deal justly with the entire human race, irrespective of their ethnicity, nationality, creed, and whether they are friend or foe. This is a very important and valuable right which Islam has given to man as a human being. Some of the Qur'anic injunctions regarding this right are:

وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ اَنْ صَلُّوْكُمْ عَنِ الْمَسْجِدِ
الْحَرَامِ اَنْ تَعْتَدُوْا

"Do not let your hatred for the people who barred you from the Sacred Mosque lead you to transgression." (*al-Ma'idah*, 5:2)

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا
يَجْرِمَنَّكُمْ شَنَاَنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ
وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

"O you who believe, stand out firmly for Allah, bearing witness for justice. And never let the enmity of any people make you swerve from acting justly. Be just. That is closer to piety (taqwa). And remain conscious of Allah. Verily, Allah is aware of what you do." (al-Ma'idah, 5:8)

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ
أَنفُسِكُمْ أَوِ الْوَالِدِينَ وَالْأَقْرَبِينَ إِن يَكُنْ غَنِيًّا أَوْ فَقِيرًا فَاللَّهُ أَوْلَىٰ
بِهِمَا فَلَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَعْدِلُوا وَإِنْ تَلَوُّوا أَوْ تَعْرِضُوا فَإِنَّ اللَّهَ
كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

"O you who believe, stand out firmly for justice, as witnesses to Allah, even if it is against yourselves, your parents, or your close relatives. Whether the person is rich or poor, Allah can best take care of both. Refrain from following your own desire, so that you can act justly- if you distort or neglect justice, Allah is fully aware of what you do." (al-Nisa', 4:135)

Muslims, therefore, cannot be unjust to anyone. Their permanent habit and character should be such that no man should ever fear injustice at their hands, and they should treat every human being everywhere with justice and fairness.

The sense of justice that Islam encompasses "is one of the most wonderful ideals of Islam, because, as I read in the Qur'an, I find those dynamic principles of life not mystic but practical ethics for the daily conduct of life suited to the whole world."⁶⁹

⁶⁹ Lectures on "The Ideals of Islam." See speeches and writings of Sarojini Naidu, Madras, 1918.

In 1935, the United States Supreme Court honored Prophet Muhammad (SAW) as one of the greatest lawgivers of the world along with 17 others, including Musa (AS), Suleiman (AS), Confucius, and Hammurabi.

Equality of Human Beings

According to Islam, Allah (SWT) has given man the right of equality as a birthright. Therefore no man should be discriminated against on the grounds of the color of his skin, his place of birth, the race, or the nation in which he was born. The following *ayah* lays down the foundational principle of the social system of Islam.

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا
وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ
"O mankind! We created you from a male and a female, and made you into nations and tribes so that you may come to know (and cooperate with) one another. Verily, the noblest of you in the sight of Allah is (he who is) the most righteous of you. Verily, Allah is all-knowing, all-aware." (al-Hujurat, 49:13)

In other words, all human beings are brothers and sisters to one another. They are all descendents from one father (Adam) and mother (Eve/Hawwa). The sole basis for superiority and inferiority of an individual in the sight of Allah (SWT) is *taqwa* or God consciousness. This was further explained by the Prophet (SAW) in his Farewell Sermon when he said,

يَا أَيُّهَا النَّاسُ ، أَلَا إِنَّ رَبَّكُمْ وَاحِدٌ ، وَإِنَّ أَبَاكُمْ وَاحِدٌ ، أَلَا لَا
فَضْلَ لِعَرَبٍ عَلَىٰ أَعْجَمِيٍّ ، وَلَا لِعَجَمِيٍّ عَلَىٰ عَرَبِيٍّ ، وَلَا لِأَحْمَرَ
عَلَىٰ أَسْوَدَ ، وَلَا لِأَسْوَدَ عَلَىٰ أَحْمَرَ ، إِلَّا بِالتَّقْوَىٰ
"O people! Your lord is one and your father (Adam) is one, an Arab has no superiority over a non-Arab; nor a non-Arab has any

superiority over an Arab; also a white has no superiority over black nor does a black have any superiority over white except by piety."⁷⁰

A person's piety or righteousness (*taqwa*) is something that is known only to Allah (SWT). So it is Allah (SWT) alone who will on the Day of Judgment determine the status of a person as regards his/her piety. This profound concept of equality advocated by Islam strikes at the very root of all man-made divisions based on race, color, language, nationality, etc. Right to equality, therefore, is an individual's birthright.

Right to Cooperate and Not to Cooperate

The Qur'an lays down a general principle of paramount importance and universal application.

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

"And cooperate with one another on virtue and piety not on sin and enmity." (al-Ma'idah, 5:2)

This means that it is obligatory upon believers to cooperate with anyone, whether Muslim or non-Muslim, in all his pursuits of good values and works. Similarly, it is obligatory upon believers not to cooperate with anyone, even if he is a Muslim or someone close in terms of considerations of race, country, nationality, language, etc., if that person were to promote wickedness and aggression.



⁷⁰ Sahih al-Bukhari, Musnad Ahmad

Farewell Sermon of the Prophet

Before this short treatise on Shari'ah is concluded, let us try to understand in letter and spirit the message of the Prophet's (SAW) farewell sermon⁷¹ delivered by him to an audience of about 120 thousand companions on the occasion of his last hajj. It sums up the essential ingredients of the Shari'ah in a nutshell. The Prophet (SAW) concluded his 23 years of unflinching, backbreaking effort of propagating and establishing the deen of Allah (SWT) with a sermon replete with gems of wisdom that deserve to be constantly reflected upon.

After praising and thanking Allah (SWT), the Prophet (SAW) said,

"O People, lend me an attentive ear, for I know not whether after this year, I shall ever be among you again."

On the basis of divine revelation, the Prophet (SAW) had realized that his mission had been accomplished in Arabia.

الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتِمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيتُ لَكُمْ الْإِسْلَامَ دِينًا

"This day I have perfected for you your faith, completed My favor upon you, and am (well) pleased with Islam as your deen (system)." (al-Ma'idah, 5:3)

Thus, he urged his audience to listen to him attentively as he realized that he may not live long, and that the global message of Islam had to be spread far and wide beyond the boundaries of the Arabian Peninsula. Speaking about the sanctity of the life and property of human beings, the Prophet (SAW) went on to say,

⁷¹ The sermon is a collection of sayings of the prophet Muhammad (SAW) delivered during the performance of the rites of pilgrimage with his companions in 632 AD. For the Arabic version see complete compiled sermon after this section.

"O People, just as you regard this month, this day, as Sacred, so regard the life and property of every Muslim as a sacred trust. Remember that you will indeed meet your Lord and that He will indeed reckon your deeds. Return the goods entrusted to you to their rightful owners."

The life and property of human beings are sacred trusts that are to be honored. The Qur'an describes true believers as:

وَالَّذِينَ هُمْ لِأَمَانَاتِهِمْ وَعَهْدِهِمْ رَاعُونَ

"(The believers) are those who are faithful to their trusts and pledges." (al-Mu'minun, 23:8)

It is reported that whenever the Prophet (SAW) preached his companions, he used to say,

لَا إِيمَانَ لِمَنْ لَا أَمَانَةَ لَهُ ، وَلَا دِينَ لِمَنْ لَا عَهْدَ لَهُ

*"The person who does not keep trust has no faith and the person who does not respect his covenant (and promise) has no religion."*⁷²

The Prophet (SAW) then touched upon the protection of wealth and warned against the unjust, oppressive, and exploitive economic system based on usury/interest, which went towards widening the gap between the rich and the poor. He set an example by announcing that from that point onward, all interest obligations due to his uncle, Abbas ibn Abd al-Muttalib, had been waived. Riba (usury) was rampant in Arabia during the pre-Islamic era, and Abbas ibn Abd al-Muttalib was one of those who were in the business of usury. The Prophet (SAW) categorically stated in his farewell sermon,

"Allah has forbidden you to take usury (interest), therefore all interest obligation shall henceforth be waived. Your capital, however, is yours to keep. You will neither inflict nor suffer any inequity. Allah has judged that there shall be no interest and that all the interest due to Abbas ibn 'Abd al Muttalib shall henceforth be waived."

⁷² Musnad Ahmad, al-Baihaqi

The Qur'anic injunctions regarding prohibition of interest or usury are many, such as,

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ
مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ
وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ
إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ

"Those who devour riba (interest and usury) will not rise up (on the Day of Resurrection) except as someone tormented by Satan's touch. That is because they say, 'Trade and riba are the same.' But Allah has permitted trade and forbidden riba. So whoever, after receiving admonition from his Lord, desists, may keep his past gains- His case is for Allah to Judge- but whoever goes back (to interest and usury), those are the companions of the fire abiding eternally therein." (al-Baqarah, 2:275)

Usury or interest is one of the most devastating practices in the world economy and accounts for the whole global economic crisis. It is in gross violation of the divine injunction, which clearly prohibits dealing in it. The Prophet (SAW) was well aware of the ploys and plots of Satan, so he continued to say,

"Beware of Satan for the safety of your religion. He has lost all hope that he will ever be able to lead you astray in big things, so beware of following him in small things."

Some Muslims, even though they do not worship idols or other deities, fall into Satan's trap by making their lustful desires their god. Allah (SWT) describes their condition by stating,

أَفَرَأَيْتَ مَنْ اتَّخَذَ إِلَهَهُ هَوَاهُ

"Have you seen the one who takes his desires as his god."
(al-Jathiyah, 45:23)

It is to be remembered that the fight against Satan must continue as he will continue to lead people astray until the Day of Judgment. He declared war against us when he told Allah (SWT),

فَبِمَا أَغْوَيْتَنِي لَأَقْعُدَنَّ لَهُمْ صِرَاطَكَ الْمُسْتَقِيمَ

"Now that You have sent me astray, I shall most certainly lie (in ambush) for them all on Your straight path." (al-A'raf, 7:16)

The Prophet (SAW) then discussed the rights of women. He made sure that their rights are protected; that they are honored and that they are given the right to a decent living. In the pre-Islamic era, women were mistreated and enjoyed no rights. They were looked upon as chattel and sex objects. The birth of a female was undesirable. A female child was even buried alive.

The Qur'an refers to this inhuman abhorrent practice.

وَإِذَا الْمَوْءُودَةُ سُئِلَتْ بِأَيِّ ذَنْبٍ قُتِلَتْ

"And when the infant girl that was buried alive is asked; for what crime she was slain." (al-Takwir, 81:8-9)

The Prophet (SAW) abolished female infanticide and allowed women to maintain their maiden name and lineage, to own property and businesses, and to enjoy the right of inheritance as per the divine law. His sermon spelled out his advice as regards the treatment of women:

"O People, it is true that you have certain rights with regard to your women, but they also have rights over you. Remember that you have taken them as your wives only under Allah's trust and with His permission. If they abide by your right, then to them belongs the right to be fed and clothed in kindness. Do treat your women well and be kind to them for they are your partners and committed helpers. And it is your right that they do not make friends with any one of whom you do not approve, as well as never to be unchaste."

There are numerous other ahadith that advise men to be nice and kind to women.

Speaking about the importance of protecting one's faith, which is also the first and foremost objective of Shari'ah, the Prophet (SAW) went on to say,

"O People, listen to me in earnest, worship Allah, say your five daily prayers, fast during the month of Ramadan, and give your wealth in Zakah. Perform Hajj if you can afford to."

We know through an authentic hadith that Islam is based on the shahadah (testimony of faith), salah, zakah, siyam, and hajj. While other faiths have changed their doctrines and modes of worship to accommodate people's changing ways of life, the Muslims (as a community), however weak they may be, have held on to their faith even after fourteen centuries, and have not allowed their desire (hawa) to interfere with the way ordained by Allah (SWT) and His Messenger (SAW). This indeed is the greatest blessing for Muslims.

Next, the Prophet (SAW) advised about the equality of human beings and said,

"All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over black nor does a black have any superiority over white except by piety and good action. Learn that every Muslim is a brother to every Muslim and that the Muslims constitute one brotherhood. Nothing shall be legitimate to a Muslim which belongs to a fellow Muslim unless it was given freely and willingly. Do not, therefore, do injustice to yourselves."

Allah (SWT) says,

وَأَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا

"And hold firmly to the rope of Allah, all of you, and be not divided." (Aal 'Imran, 3:103)

The same message in different words is conveyed in *Surat al-Anbiya'*.

إِنَّ هَذِهِ أُمَّتُكُمْ أُمَّةً وَاحِدَةً وَأَنَا رَبُّكُمْ فَاعْبُدُونِ

*"Verily, this community of yours is one single community,
and I am your Lord; so worship (and obey) Me (alone)."*
(al-Anbiya', 21:92)

The Prophet (SAW) then reminded the audience about the accountability of one's deeds on the Day of Judgment, and said,

*"Remember, one day you will appear before Allah and answer
your deeds. So beware, do not stray from the path of
righteousness after I am gone."*

Through this message, the Prophet (SAW) asked us not to get lost in the life of this world and to stay on course, being mindful all the time of the reality that our destination is the hereafter (al-Akhirah), and that we will be held responsible and accountable for whatever we do in this worldly life.

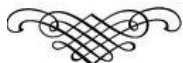
يَا أَيُّهَا الَّذِينَ آمَنُوا عَلَيْكُمْ أَنْفُسَكُمْ لَا يَضُرُّكُمْ مَنْ ضَلَّ إِذَا
اهْتَدَيْتُمْ إِلَى اللَّهِ مَرْجِعُكُمْ جَمِيعًا فَيُنَبِّئُكُمْ بِمَا كُنْتُمْ تَعْمَلُونَ

*"O you who believe, you are only responsible for yourselves.
The misguided cannot harm you as long as you follow the
guidance. All of you will return to Allah and He will inform
you of what you used to do."* (al-Ma'idah, 5:105)

The Prophet (SAW) concluded by saying,

*"O People, no prophet or apostle will come after me and no new
faith will be born. Reason well, therefore, O People, and
understand words which I convey to you. I leave behind me two
things, the Qur'an and my example, the Sunnah, and if you
follow these you will never go astray. All those who listen to me
shall pass on my words to others and those to others again; and
may the last ones understand my words better than those who
listen to me directly. Be my witness, O Allah, that I have
conveyed your message to your people."*

The message of Islam has to be conveyed until the end of times. It is our duty as Muslims to convey the message, which can be summarized in one statement: *La ilaha illallah (there is no deity but Allah)*. This is the work of *da'wah* that has to be practiced and preached.



The Farewell Sermon

خطبة الوداع

عَنْ عَبْدِ اللَّهِ بْنِ أَبِي نَجِيحٍ ، قَالَ : ثُمَّ مَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى حَجِّهِ ، فَأَرَى النَّاسَ مَنَاسِكُهُمْ وَأَعْلَمَهُمْ سُنَنَ حَجِّهِمْ ، وَخَطَبَ النَّاسَ خُطْبَتَهُ الَّتِي بَيْنَ لِلنَّاسِ فِيهَا مَا بَيَّنَّ ، فَحَمِدَ اللَّهَ وَأَثْنَى عَلَيْهِ ، ثُمَّ قَالَ : " أَيُّهَا النَّاسُ اسْمَعُوا قَوْلِي فَإِنِّي لَا أَدْرِي لَعَلِّي لَا أَلْقَاكُمْ بَعْدَ عَامِي هَذَا بِهَذَا الْمَوْقِفِ أَبَدًا ، أَيُّهَا النَّاسُ ، إِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ إِلَى أَنْ تَلْقَوْا رَبَّكُمْ ، كَحُرْمَةِ يَوْمِكُمْ هَذَا ، وَحُرْمَةِ شَهْرِكُمْ هَذَا ، وَسَلَقُونَ رَبَّكُمْ فَيَسْأَلُكُمْ عَنْ أَعْمَالِكُمْ وَقَدْ بَلَغْتُ . فَمَنْ كَانَتْ عِنْدَهُ أَمَانَةٌ ؛ فَلْيُؤَدِّهَا إِلَى مَنْ ائْتَمَنَهُ عَلَيْهَا ، وَإِنْ كُلُّ رِبَا مَوْضُوعٌ وَلَكُمْ رُءُوسُ أَمْوَالِكُمْ لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ ، قَضَى اللَّهُ أَنَّهُ لَا رِبَا وَإِنَّ رَبَّ الْعَبَّاسِ بْنِ عَبْدِ الْمُطَّلِبِ مَوْضُوعٌ كُلُّهُ ، وَإِنْ كُلُّ دَمٍ كَانَ فِي الْجَاهِلِيَّةِ مَوْضُوعٌ ، وَإِنْ أَوَّلَ دَمٍ أَضْعُ دَمِ ابْنِ رَبِيعَةَ بْنِ الْحَارِثِ بْنِ عَبْدِ الْمُطَّلِبِ ، وَكَانَ مُسْتَرْضَعًا فِي بَنِي لَيْثٍ فَقَتَلْتُهُ بَنُو هَذِيلٍ ، فَهُوَ أَوَّلُ مَا أَبْدُأُ بِهِ مِنْ دِمَاءِ الْجَاهِلِيَّةِ . أَيُّهَا النَّاسُ ، إِنَّ الشَّيْطَانَ قَدْ يَتَسَّسَ مِنْ أَنْ يُعْبَدَ بِأَرْضِكُمْ هَذِهِ أَبَدًا ، وَلَكِنَّهُ رَضِيَ أَنْ يُطَاعَ فِيمَا سِوَى ذَلِكَ مِمَّا تُحَقِّرُونَ مِنْ أَعْمَالِكُمْ ، فَاحْذَرُوهُ عَلَى دِينِكُمْ ، أَيُّهَا النَّاسُ إِنَّمَا النَّسِيءُ زِيَادَةٌ فِي الْكُفْرِ يُضَلُّ بِهِ الَّذِينَ كَفَرُوا يُحِلُّونَهُ عَامًا وَيُحَرِّمُونَهُ عَامًا لِيُؤْطُوا عِدَّةَ مَا حَرَّمَ اللَّهُ فَيَحِلُّوا مَا حَرَّمَ اللَّهُ سِوَاةِ آيَةِ 37 وَيُحَرِّمُوا مَا أَحَلَّ اللَّهُ ، وَإِنَّ الزَّمَانَ قَدْ اسْتَدَارَ كَهَيْئَتِهِ يَوْمَ خَلَقَ اللَّهُ السَّمَوَاتِ وَالْأَرْضَ وَإِنَّ عِدَّةَ الشُّهُورِ عِنْدَ اللَّهِ اثْنَا عَشَرَ شَهْرًا فِي كِتَابِ اللَّهِ يَوْمَ خَلَقَ السَّمَوَاتِ وَالْأَرْضَ مِنْهَا

أَرْبَعَةَ حُرُمٍ سورة التوبة آية 36 ثَلَاثَةٌ مُتَوَالِيَةٌ وَرَجَبُ مُضَرَّ الَّذِي بَيْنَ جُمَادَى
وَشَعْبَانَ . أَمَّا بَعْدُ ، أَيُّهَا النَّاسُ فَإِنَّ لَكُمْ عَلَى نِسَائِكُمْ حَقًّا ، وَلَهُنَّ عَلَيْكُمْ
حَقًّا ؛ لَكُمْ عَلَيْهِنَّ أَلَا يُوطِئَنَّ فُرُشَكُمْ أَحَدًا تَكْرَهُوهُ ، وَعَلَيْهِنَّ أَلَا يَأْتِيَنَّ
بِفَاحِشَةٍ مُبَيَّنَةٍ ، فَإِنْ فَعَلْنَ ؛ فَإِنَّ اللَّهَ أَذِنَ لَكُمْ أَنْ تَهْجُرُوهُنَّ فِي الْمَضَاجِعِ
وَتَضْرِبُوهُنَّ ضَرْبًا غَيْرَ مُبْرِحٍ ، فَإِنْ انْتَهَيْنَ ؛ فَلَهُنَّ رِزْقُهُنَّ وَكِسْوَتُهُنَّ
بِالْمَعْرُوفِ ، وَاسْتَوْصُوا بِالنِّسَاءِ خَيْرًا ؛ فَإِنَّهُنَّ عِنْدَكُمْ عَوَانٍ لَا يَمْلِكُنَّ
لَأَنْفُسِهِنَّ شَيْئًا ، وَإِنَّكُمْ إِنَّمَا أَخَذْتُمُوهُنَّ بِأَمَانَةٍ اللَّهِ وَاسْتَحْلَلْتُمْ فُرُوجَهُنَّ
بِكَلِمَةِ اللَّهِ ، فَاعْقِلُوا أَيُّهَا النَّاسُ وَاسْمَعُوا قَوْلِي ؛ فَإِنِّي قَدْ بَلَغْتُ ، وَتَرَكْتُ
فِيكُمْ مَا إِنْ اعْتَصَمْتُمْ بِهِ فَلَنْ تَضِلُّوا أَبَدًا كِتَابَ اللَّهِ وَسُنَّةَ نَبِيِّهِ . أَيُّهَا النَّاسُ
اسْمَعُوا قَوْلِي ، فَإِنِّي قَدْ بَلَغْتُ وَاعْقِلُوا ؛ تَعْلَمَنَّ أَنَّ كُلَّ مُسْلِمٍ أَخُو الْمُسْلِمِ ،
وَأَنَّ الْمُسْلِمِينَ إِخْوَةٌ ، فَلَا يَحِلُّ لِمَرِيٍّ مِنْ أَخِيهِ إِلَّا مَا أَعْطَاهُ عَنْ طِيبِ نَفْسٍ
، فَلَا تَظْلِمُوا أَنْفُسَكُمْ اللَّهُمَّ هَلْ بَلَغْتُ ؟ " ، قَالَ : فَذَكَرَ أَنَّهُمْ قَالُوا : اللَّهُمَّ
نَعَمْ . فَقَالَ رَسُولُ اللَّهِ ﷺ : اللَّهُمَّ اشْهَدْ⁷³ "



⁷³ Tarikh al-Tabari

Conclusion

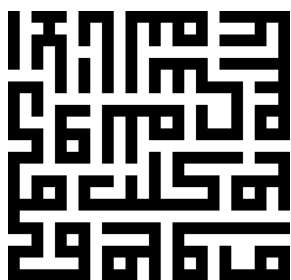
The higher objectives of Shari'ah sanctify the preservation of faith, life, lineage, wealth, and intellect, objectives that bear striking resemblance to John Locke's (1632-1704) ideals that would be expounded centuries later. For Locke, all people were equal and independent, and everyone had a natural right to defend his "Life, health, Liberty, or Possessions", basis for the phrase in the American Declaration of Independence; "*Life, liberty, and the pursuit of happiness.*"⁷⁴ The overarching principle of all policy making including political, legal, economic, social, environmental etc. that emerges from these objectives is public interest, which goes towards promoting and preserving the things that are beneficial to society and preventing the things that are harmful to it.

Shari'ah includes ethical and spiritual teachings that need not be necessarily of legal nature, although both the legal and moral teachings of Islam are an integral whole. Shari'ah teaches Muslims to respect parents, to be kind to their neighbors, to honor their trusts and pledges, and to be always truthful. Muslims live Shari'ah everyday as they pray, fast, eat Halal food, practice charity, raise families, and serve communities. Shari'ah is somewhat like Halakha or Halacha ("the path" or "the way to walk"), which is practiced by Jews in America. Jews in America even operate Jewish courts in the U.S, called Beth din. Also, the Canon Law used by the Catholic Church contains both legal outlines of responsibilities and codes of punishing behavior. Muslim Americans also want to live by the guiding principles of the divinely ordained Shari'ah.

Shari'ah sets people free from the bondage of tyrants and their coteries who have special interests in this world for themselves. It guarantees and protects the fundamental human rights and freedom of people that are sanctioned by God. Shari'ah abhors extremism and excessiveness, and promotes the middle path. True Muslims are moderate in all their endeavors—religious and secular. God describes them in the Qur'an as "the Middle Nation." Shari'ah

⁷⁴ Locke, John (1690). Two Treatises of Government (10th edition). Project Gutenberg. <http://www.gutenberg.org/dirs/etext05/trgov10h.htm>.

aims at facilitating life and removing hardships. It approves of good and forbids evil. It beautifies life and provides comfort. Shari'ah is the path to a successful life. Ultimately, it strives for justice, fairness, mercy, and peace. It comes from a kind and compassionate God.



*but the achievement of my aim depends on Allah alone.
In Him have I placed my trust, and unto Him do I always turn!
(Qur'an, 11:88)*



About the Author

Mustapha Elturk is a student of the late Islamic thinker, scholar, and one of the most revered contemporary teachers of the Qur'an in southeast Asia, Dr. Israr Ahmad (d. 2010), *rahimahullah may Allah have mercy upon him*.

Under his guidance (1995-2000) he gained knowledge in Fundamentals of Faith (emphasis on *Iman- aqidah, Tawheed*-Unity of God, Sciences and Exegesis of the Qur'an, and *sirah*-the Prophet's biography). Elturk's passion for learning and teaching the Qur'an dates back to 1993 when he encountered Dr. Israr Ahmad during one of his lecture tours in America. This encounter inspired him to delve into the meaning and wisdom of the Qur'an.

Mustapha Elturk immigrated to the US in 1976 amid the start of the civil war in Lebanon to continue his higher education. He holds a Bachelor of Arts degree in Mathematics from Lawrence Institute of Technology, Southfield, Michigan. He joined the Islamic Organization of North America (IONA) in 1995 (then T.I.N.A.) and became active in propagating the message of the Qur'an to Muslims and those of other faiths through Friday sermons and lectures in Mosques and other facilities across America and abroad. He served as IONA's Education and Training Director from 1998 until 2003. Thereafter, he was appointed Ameer (Imam and President) of IONA headquartered in Warren, Michigan. He left his thriving career as an electronics engineering consultant in 2007 to lead the IONA Masjid and Learning Center established in the same year in the city of Warren, Michigan.

Mustapha Elturk is a publicly engaging leader and a leading interfaith activist in the Detroit metropolitan area. Currently, he serves on the executive board of directors as treasurer of the InterFaith Leadership Council of Metropolitan Detroit (IFLC). Elturk is the President of the Board of Directors of the Interfaith Center for Racial Justice (ICRJ), a non-profit organization in Macomb County in Michigan. ICRJ promotes the ideals and

universal values of freedom, equality and justice of the late Reverend Dr. Martin Luther King Jr. He is a member of the Church-Police-City (CPC) Steering Committee and a member at large in the city of Warren, Michigan. He serves on the Executive Board of the Michigan Muslim Community Council (MMCC), a merged non-profit organization between the Council of Islamic Organizations of Michigan (CIOM), (on which he served as Vice Chair and co-chair of the Imams Council), and the Islamic Shura Council of Michigan (ISCOM). He is also an Adjunct Professor at the Ecumenical Theological Seminary (ETS), teaching Muslim Chaplaincy Program courses in theology and Qur'anic Studies.



SHARI'AH

The Path to a Successful Life

All praise be to Allah, and may His blessings and peace be upon His messenger. This is a well written treatise on Sharia. It aims to explain it to the Muslim and non-Muslim public by linking many of its main teachings to their objectives, namely protecting the five essentials: faith, life, lineage, property, and intellect. The treatise candidly selected the more misunderstood teachings and ingenuously elucidated them. I hope this work will be of benefit for the Muslim and non-Muslim readership.

Hatem al-Haj, MD, PhD

Dean, College of Islamic Studies, Mishkah University

Member, Permanent Fatwa Committee, Assembly of Muslim Jurists of America (AMJA)

In the face of the fear that the term Sharia sparks in the average American, Imam Mustafa presents a reasoned and balanced analysis of Sharia's objectives that ironically cohere with many of America's most cherished values. How can we fear a system designed to promote human rights, economic justice, and the integrity of the family? Muslims will learn much from this book, but non-Muslims perhaps have the most to gain from an approach to Sharia that effectively counters the pervasive hysterical stereotypes surrounding this widely misunderstood concept.

Dr. Robert Shedinger

Associate Professor of Religion at Luther College

Author of "Was Jesus a Muslim?"

IONA is a nonviolent movement whose aim is to promote and struggle for Justice.

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