

In the name of Allah,  
the Compassionate, the Merciful

Shariah sometimes is portrayed as an antiquated Islamic system of law that is barbaric with no regard for values of democracy, human rights or women's freedom. In fact, the opposite is true: social welfare, freedom, human dignity, and human relationships are among the higher objectives of Shariah.

### WHAT DOES SHARIAH MEAN?

The word Shariah comes from the Arabic noun *shar'un*, which means a way or path and by extension—the path to be followed. The term originally was used to describe “the path that leads to water,” since water is the source of all life. Hence, Shariah is the way to the source of life. Shariah 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 Shariah is not unique to Islam and is found in nearly all of the world's great religions. Moses, peace be upon him, received the Torah incorporating the Mosaic Law and the Ten Commandments. The Qur'an was revealed to Muhammad, peace be upon him, incorporating the final Shariah for the benefit of humankind. “For each of you We have appointed a law (Shariah) and a way of life. And had God so willed, He would surely have made you one single community; instead, He gave each of you a law and a way of life in order to test you by what He gave you.” (Qur'an, 5:48)

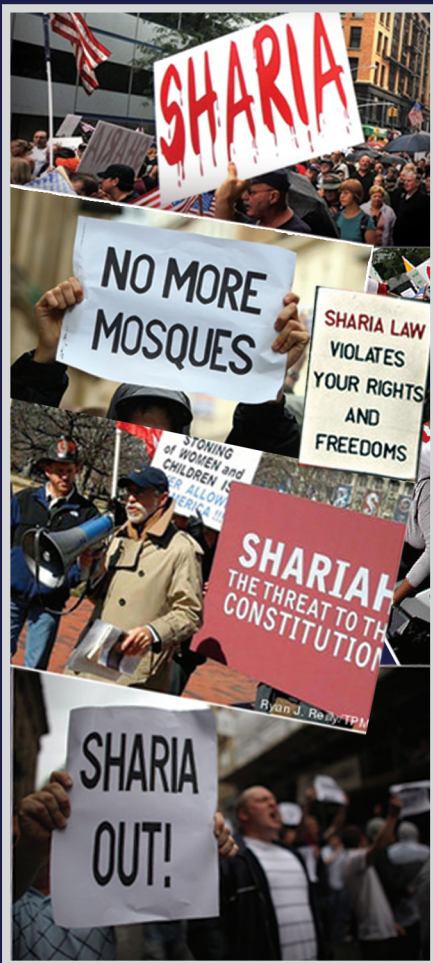
### SOURCES OF SHARIAH

There are basically two sources of Shariah—the Qur'an and the Sunnah (the divinely guided tradition of the Prophet Muhammad, peace be upon him). There is also what is called *fiqh* or Islamic jurisprudence. There is a fundamental difference, however, between Shariah and *fiqh*. While Shariah is of divine origin, *fiqh* is the product of intellectual effort to deduce the rulings of Shariah through the jurist's own intellectual exertion (*ijtihad*) suitable for his specific time and place. *Fiqh* interprets and extends the application of Shariah to situations not directly addressed in the primary sources by taking recourse to secondary sources. Those secondary sources usually include a consensus of religious scholars called *ijma* and analogical deductions 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 always within the spirit and parameters of these two main sources of Shariah: the Qur'an and Sunnah.

### OBJECTIVES OF SHARIAH

Shariah aims at the welfare of the people in this life and in the life hereafter. The sources of Shariah guide people to adopt a

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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, "*Whoever follows My guidance, when it comes to you [people], will not go astray nor fall into misery, but whoever turns away from it will have a life of great hardship.*" (20:123-124)

It is an error to define Shariah as a "legal-political-military doctrine," as some political activists claim. It also is wrong to associate and restrict Shariah only to the punitive laws of Islam. The fact is that Shariah is all-embracing and encompasses personal as well as collective spheres in daily living. Shariah includes the entire sweep of life: prayers, charity, fasting, pilgrimage, morality, economic endeavors, political conduct, and social behavior, including caring for one's parents and neighbors, and maintaining kinship.

Shariah's goal is to protect and promote basic human rights, including faith, life, family, intellect, and property. Islam has, in fact, adopted two courses for the preservation of these five indispensables: 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 punishment, which is the basis of the Islamic criminal system. 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 for punishing misbehavior.

### 1) Protection of Faith

Faith is the essence and spirit of a meaningful life. Muslims profess their faith through a verbal testimony, bearing witness to the oneness and unity of God and to the finality of prophethood of Muhammad, peace be upon him. Muslims believe that Muhammad is the seal of all of God's prophets and messengers, a chain that started with Adam and includes Noah, Abraham, Moses and Jesus, peace be upon them all. Muslims also express their faith through devotional practices, most importantly the five daily prayers, an act of worship that keeps them connected with the Creator. Additional practices include fasting, obligatory charity, and pilgrimage. Fasting during the month of Ramadan, the 9th month of Islamic calendar has been prescribed to Muslims so they may be mindful of God and learn self-restraint. Zakat, or an established portion of one's annual savings to be given to the poor, is another duty regulated by God to ensure that basic needs are met for the less fortunate, poor, and destitute. If they are able, Muslims are also required to perform Hajj—a pilgrimage to visit the sacred house (Ka'bah) that was built by Abraham and his son Ishmael in Mecca, Saudi Arabia, to seek forgiveness from their Lord and renew

their covenant with Him.

It is against Shariah to compel or force any person to convert to Islam. The Qur'an asserts, "*Let there be no compulsion in religion*" (2:256). Shariah provides total freedom of religion. The Qur'an is quite clear on this point. "*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'*" (18:29). "*Had God willed He would have guided all people*" (13:31). Shariah not only allows other faiths to co-exist but guarantees the protection of their houses of worship and properties. Shariah respects the worth of every human being in his or her own belief and endeavor in the pursuit of life and the truth.

Islam holds that people are endowed with faculties of hearing, sight, and intellect to enable them to choose what is best for them to follow.

### 2) Protection of Life

Shariah recognizes the sanctity and sacredness of human life. One may not commit murder or suicide. The Qur'an emphatically stresses this point, "*And do not take any human being's life—[the life] which God has willed to be sacred—otherwise than in [the pursuit of] justice*" (17:33). Killing innocent people, even at times of war, is a grave sin and strongly condemned by the Shariah: "*If anyone kills a person—unless in retribution for murder or spreading corruption in the land— it is as if he kills all mankind; while if anyone saves a life, it is as if he saves the lives of all mankind.*" (5:32)

Unfortunately, just as adherents of other faiths distort their religions, sometimes Muslims too misrepresent Islam. Extremists from various religious traditions claim that their faith compels them to commit acts that clearly are crimes to any sensible person. An example of this distortion is the lingering practice of honor killings in some parts of the world. Honor killing is an entrenched cultural issue in some areas, but clearly is in violation of Shariah as well as all globally recognized Christian codes of conduct.

Psychological harm or injury is also prohibited under Shariah. The Qur'an mandates, "*O believers! Avoid making too many assumptions, for some assumptions are sinful; and do not spy on one another; or speak ill of people behind their backs: would any of you like to eat the flesh of your dead brother? No, you would hate it. So be mindful of God: God is ever relenting, most merciful.*" (49:12)

Shariah also demands total respect for all of creation. For example, a Muslim is prohibited to cut down trees or kill animals without a good reason. As part of Shariah,

Muslims are required to protect the environment from pollution and harmful waste.

### 3) Protection of Family

Shariah regulates the life of a Muslim in matters of marriage, divorce, inheritance, parenting, upbringing of children, rights of orphans, ties of kith and kin, etc. The family is the nucleus of society. Hence, having a sound family structure builds a strong society. Islam encourages marriage as soon as a mature man is able to support his wife. Premarital or extramarital sex is strictly forbidden.

Islam does allow men to have more than one wife at the same time, up to a total of four, provided that the husband treats them equitably. However, this represents a tiny minority in Muslim-majority countries, where polygamous marriage constitutes only 1-to-3 percent of all marriages. Islam encourages only one wife. The Qur'an affirms how difficult it is to be equitable in multiple marriages. *"You will never be able to treat your wives with equal fairness, however much you may desire to do so"* (4:129). God Himself, however, recommends only one wife, *"But if you fear that you shall not be able to deal justly (with them), then only one"* (4:3). Polygamy remains a challenging issue in many world faiths. International gatherings of Christian leaders in recent decades also have discussed compassionate responses to polygamy.

Despite misconceptions, women's rights are protected under Shariah. For example, women are entitled to education, to inheritance, and to keep their maiden names. They are also entitled to a decent living, and to own property and business.

Islam teaches that family ties are to be maintained and parents are highly regarded. Shariah enjoins believers to honor parents and grandparents. In numerous places in the Qur'an, the rights of parents are mentioned immediately after the rights of God. The following verse illustrates the importance of this value: *"Your Lord has commanded that you should worship none but Him, and that you be kind to your parents. If either or both of them reach old age with you, say not to them a word of contempt, and do not be harsh with them, but speak to them respectfully, and lower your wing in humility towards them in kindness and say, 'Lord, have mercy on them, just as they cared for me when I was little.'" (17:23-24)*

Neighbors are viewed as extended family in Islam. God instructs believers to take care of their neighbors, Muslims and non-Muslims alike. *"Worship God; join nothing with Him. Be good to your parents, to relatives, to orphans, to the needy, to neighbors near (Muslims) and far (non-Muslims), and to travelers in need."* (4:36)

### 4) Protection of Intellect

Among the most cherished gifts of God is the faculty of intellect, which differentiates us from animals. It is through this faculty one is able to reason and make sound judgments. Such a precious blessing needs protection. Anything that threatens the intellect is discouraged or completely prohibited by Shariah. Prohibitions on intoxicants such as alcohol and drugs are aimed at keeping the mind sound and healthy. Overall, intoxicants are very harmful to societies and bring much more destruction than benefit. Shariah prohibits the harming of the body and mind.

Acknowledging that some may claim benefits of gambling and drinking, God informs that their harm is greater than their benefit. *"They ask you [Prophet] about intoxicants and gambling: say, 'There is great sin in both and some benefit for people: the sin is greater than the benefit.' ... In this way, God makes His messages clear to you, so that you may reflect."* (2:219)

### 5) Protection of Property

Shariah stresses lawful earning for the maintenance of oneself and family and rejects begging for a living. The objective of economic activities is to fulfill one's basic needs and not to satisfy insatiable desires.

One's rights to property are protected in Shariah, an ideal that naturally contributes to a sense of security in a community. Forms of economic exploitation are condemned. Islam prohibits *Riba*, which includes both interest and usury. *"They say: 'Trade is like interest/ usury,' but God has permitted trade and forbidden interest/usury"* (2:275). The Qur'an informs that usury had also been prohibited in earlier scriptures.

Likewise, the positive Qur'anic attitude towards trade and commercial activities (*al-bay'*) encourages mutual help, fairness with employees and equitable transactions in business.

The Islamic view of economic principles includes a requirement that a lender should participate in either the profit or the loss of a borrower. Shariah's concern for a just and healthy community extends throughout business transactions.

## CONCLUSION

Shariah abhors extremism and excessiveness. Excesses in spending, eating—even worship—are prohibited in Islam. Shariah promotes following the middle path. True Muslims are moderate in all their endeavors—religious and secular. God described them in the Qur'an as "the Middle Nation."

Shariah aims at facilitating life and removing hardships. Shariah beautifies life and provides comfort. It approves of good and

forbids evil. It is considerate in case of necessity and hardship.

A general principle in Shariah holds that necessity makes the unlawful lawful. A Muslim is obliged to satisfy his hunger with lawful food and not to eat what has been declared forbidden. One may, however, in case of necessity—when permissible food is not available—eat unlawful foods such as pork to sustain life. Shariah comes from a kind and compassionate God.

The Qur'an says: "God wants ease for you, not hardship" (2:185); "God does not burden any soul with more than it can bear" (2:286); "And We have not sent you (O Muhammad) but as a mercy to all people." (21:107)

Ultimately, Shariah strives for justice, fairness, mercy, and peace.



## About IONA

The Islamic Organization of North America, IONA, is an organization dedicated to reviving the Qur'an in the hearts of Muslims while bringing its message to non-Muslims.

The obligations of a Muslim, as ordained by the Qur'an and Sunnah, can be understood as having four levels:

1. A Muslim is required to develop real faith and conviction in one's heart – **Iman**.
2. A Muslim is required to live a life of complete submission to the will of Allah (SWT) – **Ibadah**.
3. A Muslim is required to propagate and disseminate the message of Islam to humanity as a whole – **Shahada 'alan-Nas**.
4. A Muslim is required to try his/her utmost to promote and struggle for the establishment of justice – **Iqamat-ud-Deen**.

The objective of IONA is to assist North American Muslims in fulfilling the above obligations as well as inviting non-Muslims toward Islam, for the sake of our salvation in the hereafter and for seeking the love and mercy of God Almighty.



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**IONA is a non-violent movement whose aim is to promote and struggle for the establishment of Justice.**