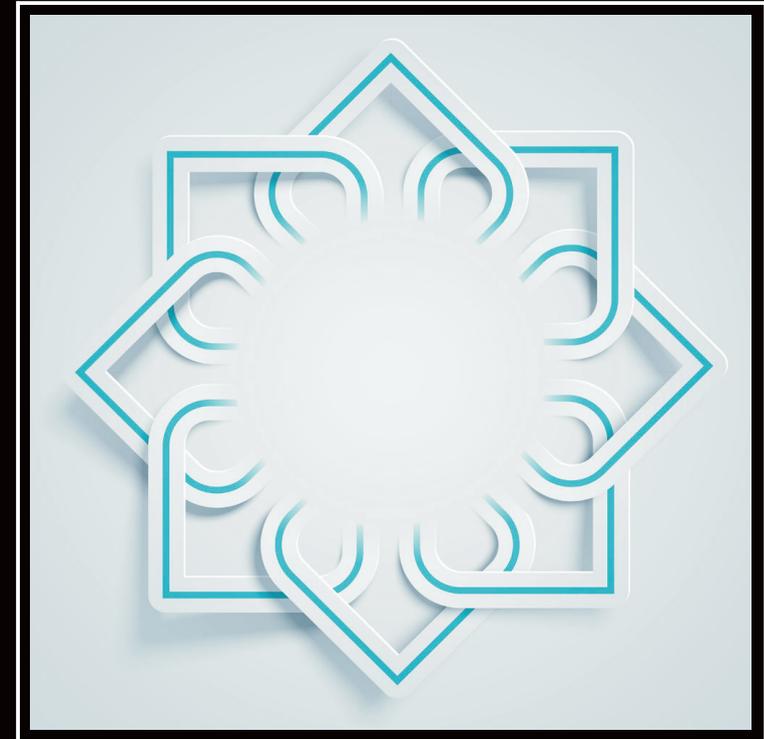


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# THE SHARIA LAW

# THE SHARIA LAW

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P R O J E C T

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# The Sharia Law

Amongst the various words, from Islamic terminology, that the media has, in the recent past and currently, brought into the limelight; “Sharia Law” stands out quite profoundly. People are made to believe various things in the name of this word and quite frankly it’s used to scare them away from any contact with Islam and its teachings. Let us therefore try to look deeper into the true meaning and origin of Sharia Law; as it is.

The word Sharia comes from the Arabic root word “ش ر ع” “Sh Ra Aa” which means ”

“Ash-shareeya): the spot where people and animals come to drink, but the water must be gushing forth continuous like a spring which never ceases and is open on the surface. Thus no effort is needed to get to the water. If it is accumulated rain water, then it is not “ش ر ع” “ (sharia) Also (ash-shaareh) means a thorough fare: and “ash-shara’a” means a straight path which is distinct and open.

As is clear from the meaning given above, the characteristics of the Sharia, which means the rules and regulations derived from the parameters of the broader and unchanging Quranic principles, should be clear, distinct and notable. It must also be a path that is the same for everybody, such as water from which everyone can drink. Which is accessible to everyone, which is continuous and should not be like accumulated rain water which depletes after a time. As such, Sharia must not be stagnant but should be updating and improving continuously, along with the changing requirements of time. If it is stagnant, then like standing water, it too will lose the freshness and will no longer be life giving. Sharia, thus literally means ‘a well-

trodden path to water,' the source of all life, representing the Path to God, as given by God, the Originator of all life.

Sharia is the Islamic Law – the disciplines and principles that govern the behaviour of a Muslim individual towards his or her own self, family, neighbours, community, city, nation and the whole universe. Similarly Sharia governs the interactions between communities, groups and social and economic organizations. Shariah establishes the criteria by which all social actions are classified, categorized and administered within the overall governance of the state. The Principal source of Sharia is the last testament from God i.e. the Quran and the practical application of the Quran as exemplified by the life of the last Messenger Muhammed pbuh.

Islam's law comprises a comprehensive outlook on life. It takes a panoramic view in conceiving the whole of the earth as a single 'city' with diverse inhabitants—in modern parlance, a 'global village'. Islam looks at the most beneficial aspects for the society as a whole from a general perspective and presents a model that, if implemented, would safeguard the peace, development and progress of all mankind on our planet.

Olivier Roy sums up the position of Sharia when he writes:

*“The Shariah is never closed, for it is based not on a core of concepts, but rather on an ensemble of precepts which is at times general, at times precise, and which expands to include the totality of human acts through induction, analogy, extension, commentary, and interpretation”*( *The Failure of Political Islam*)

Islam is a Complete Package i.e. it is a complete way of life, sent by God in the form of revelation from time to time through His Messengers and the last and final testament is the Quran. It covers

the three essential needs of human life: physical, intellectual and spiritual. These three aspects of the faith are known individually as:

1 Islam – The Divine law

2 Eemaan – The Belief

3 Ehsaan - Ethics and moral character.

The first aspect, Islam, deals primarily with the physical aspects of the faith, such as its obligations, prohibitions and recommended actions. This is the part of the faith governed by Sharia – Islamic law. This aspect cannot however be implemented by itself, but must complement the other two. When the Prophet (pbuh) taught Islam to his followers, he taught them all these three aspects at once, in a natural and holistic approach.

## **Bases of Sharia**

The bases of Sharia are four: two are revelatory, coming from God, and include the two core sources, the Quran, Islam’s holy book, and the Sunnah (the practice and teachings of the Prophet Muhammed (pbuh)). The other sources are based on rational endeavour, which includes consensus (ijma) and analogical juristic reasoning (qiyās). Therefore Revelation and reasoning are the fundamental sources and bases for all Sharia Laws.

*“Muadh ibn Jabal relates that when the Prophet (pbuh) sent him to Yemen, he asked, “What will you do if a matter is referred to you for judgment?” Muadh said, “I will judge according to the God’s Book.” The Prophet (pbuh) asked, “what if you find no solution in God’s Book?” Muadh said, “Then I will judge by the Sunnah of the Prophet.” The Prophet (s) asked, “And what if you do not find it in the Sunnah of the Prophet?” Muadh said, “Then I will make Ijtihad*

*to formulate my own judgment.” The Prophet (s) patted Muadh's chest and said, “Praise be to Allah who has guided the messenger of His Prophet to that which pleases Him and His Prophet.” (Narrated by Abū Dāwūd in his Sunan)*

The Sharia, based primarily on texts from Quran and Sunnah, embodies broad, general rules that are immutable, the sanctity of life, security and freedom of expression, and the inviolability of these rights. The adaptation of law according to time and circumstance is necessitated by changes in society, and the influx of various cultures and material conditions. Islam first came to Arabs with their unique people and lifestyle. As Islam spread and the borders of Muslim lands expanded, all of the different civilizations, each with their own codes of law, traditions and cultures, came in contact with Islamic principles and adapted accordingly.

The reason other nations coming in contact with the original message of Islam got influenced and adopted it was the fact that the most dominant and overarching theme of Islam is Mercy and Justice for all. The Quran declares:

*“And We did not send you (O Muhammad) except as a mercy for all creation” (21:107)*

And the Prophet (pbuh) said,

*“The Most Merciful shows mercy to those who have mercy on others. Show mercy to those on earth, and the One above the heaven will show mercy to you.”*

Islamic law or Sharia is founded on the principle of interdependence. A single person cannot carry out every aspect of Sharia by himself, but needs other individuals to act together in order to achieve true success and balance in the society. These combined actions are expected to produce development of the society and benefits for all God's Creation. It is impossible for a person to reach perfection, but

Islamic Sharia allows the opportunity for all individual efforts to combine together in bringing about some form of perfection and balance in the society.

## **Objectives of Sharia**

The term used for Objectives of Sharia is Maqasid (purpose or goal) or Maslaha (benefit). The term ‘maqsid’ (plural: maqasid) refers to a purpose, objective, principle, intent, goal or end. Maqasid of the Islamic law are the objectives/purposes/intents/ends/principles behind the Islamic rulings. For a number of Islamic legal theorists, it is an alternative expression to ‘people’s interests’. For example, Abd al-Malik al-Juwaynī (d. 478 ah/1185 ce), one of the earliest contributors to al-maqasid theory as we know it today used al-maqasid and public interests interchangeably. Ghazali (d. 505 ah/1111 ce) elaborated on a classification of maqasid, which he placed entirely under what he called ‘unrestricted interests’. Fakhr al-Dīn al-Razi (d. 606 ah/1209 ce) and al-Amidī (d. 631 ah/1234 ce) followed al-Ghazali in his terminology. Najm al-Dīn al-Tufi (d. 716 ah/1316 ce), defined maslaha as, ‘what fulfills the purpose of the Legislator. Al-Qarafi (d. 1285 ah/1868 ce) linked maslaha and maqasid by a fundamental ‘rule’ that stated: ‘A purpose (maqsid) is not valid unless it leads to the fulfilment of some good (maslaha) or the avoidance of some mischief (mafsadah). Therefore, a maqsid, purpose, objective, principle, intent, goal, end, or principle in the Islamic law is there for the ‘interest of humanity. This is the rational basis, if you wish, for the objectives of Sharia.

The overarching objectives of every law enacted under Sharia, where as mentioned above the overarching goal is Mercy, or the benefit of society (maslaha), are sometimes summarized under the following broad categories:

- o Establishment of justice; thus creating true peace in the process
- o Preservation of Life: Thus ensuring the right to life for every human being
- o Upholding faith and morality, in public and private; thus creating responsible citizens
- o Preventing hardship, on individuals and society; thus making lives of people easy
- o Realisation of public welfare and benefit. Thus upholding universal well being

Imam Shatibi describes the objectives of Sharia as follows

“Sharia law aimed to protect five basic human interests: Faith, life, reproduction, property, and reason. He also found that these basic interests were universally recognized among all other nations. He developed a model of Islamic law consisting of three concentric circles. The innermost circle deals with the essential laws concerning the five basic interests. The second circle covers those laws and practices that are not directly related to the above-mentioned laws but are assimilated into Shariah on account of public convenience”

Shātibī finds the normative basis of Sharia, deeply rooted in human reason and social practices and standards.

## **Establishing justice**

All of the Sharia rulings and teachings are to bestow mercy and justice upon mankind. Sharia came to establish justice between people within the community of believers, and with other communities and groups. {Indeed, Allah commands justice ...} (An-

Nahl 16:90) as He said in the Qur'an and commands people to {stand firmly for justice.} (An-Nisaa' 4:135)

Justice in Islam is a noble goal and is very comprehensive. Islam promotes justice in court, justice in dealing with each other, justice to family members, and justice with oneself. Sharia considers people to be equal; no one has superiority over another because of race, wealth, or family. Sharia even obligates Muslims to be just with their enemies during war. Sharia establishes justice between men and women and makes women peers to men in terms of rights and responsibilities. {And women shall have rights similar to the rights upon them, according to what is equitable; ...} (Al-Baqarah 2:228).

## **Realization of public welfare or benefit (Maslaha)**

Sharia aims to bring about and achieve benefits for one and all. Sharia never states anything except to achieve a real benefit (maslaha). Muslim scholars observed that all the teachings of Sharia aim at preserving and protecting five major benefits, namely, Faith, life, intellect, progeny, and property (or wealth). Those five benefits (or necessities as some call them) are essential to the honourable human life. Bringing about benefits and removing harm is essential to people. Anything that protects these is a benefit and anything that emaciates them is harmful and overcoming it is an objective of Sharia Laws.

## **Preservation of Life**

Islam has devoted a significant amount of texts and teaching into establishing the preservation of one's life and soul as the most

fundamental principle of all. It is through life that Mankind is able to maintain or preserve all of Almighty's provisions and principles. Therefore, Islam has not only protected the soul from being killed or wasted but also established a set of rules to ensure its welfare spiritually and materially—that is to secure surviving needs such as food, marriage, shelter, water and clothing—as well as establishing rules that forbid the means of self's destruction.

The Quran says:

*“O you who believe! Retaliation (qiṣāṣ) is prescribed on you for the ones murdered; the freeman for the freeman, the slave for the slave, and the female for the female. But whoever is forgiven somewhat by his [slain] brother (i.e., his family), then adhering to fairness and payment ( adā’ ) [of blood money] to him in kindness (iḥsān). That is an alleviation and mercy from your Lord, but whoever transgresses [the limits of God] after that, he shall receive a painful torment. (Q 2:178)*

Also:

*“And do not kill the soul which God has forbade[to be killed] except by [legal] right. This has He instructed you that you may use reason.” (6:33)*

*“that whoever kills a soul unless for a soul or for corruption [done] in the land – it is as if he had slain mankind entirely. And whoever saves one – it is as if he had saved mankind entirely”.. (5:34)*

## **Preservation of the Intellect**

Sharia laws are enacted in a manner so as to guarantee the development of Intellect by means of education, use of reasoning and the development of knowledge and wisdom. God has commanded us

to preserve our minds and has forbidden all means that lead to destruction of our intellectual abilities, hence the intoxicants and alcohol is disallowed. The Quranic verses repeatedly encourage use of our mental faculties in order to arrive at conclusions and deductions from our observations.

As is clearly evident from above discussion the Sharia is the source of good and benefit for not only Muslims but whole mankind as all its laws must adhere to the principles of Justice, welfare, Preservation of Life and intellect and development of human beings ensuring that the basic necessities of life are available to all mankind for use and benefit from.

## **Sharia Permits Other Faith Communities Their Own Law**

Shaykh Yūsuf al-Qaradāwī writes:

Dhimma means a pact and guarantee. That is to say, the non-Muslims who live in Islamic society and within the Islamic nation, are the responsibility of God, His Messenger, and all Muslims, under their guarantee and their protection.

Islam established rules regulating the relations between the Islamic state and non-Muslims ...so that these would be natural relations. They are living in Islamic society under the general principle established by the religious legal authorities: ‘What is [permitted] to them is [permitted] to us and what is [incumbent] upon them is [incumbent] upon us.’ If their religion commands them to have a day of rest on Saturday, I will not impose upon them to work on Saturday and rest on Friday. No, I must be considerate. I respect what their religion dictates.

*Umar ibn Abd al-Azīz, whom the religious legal authorities call the fifth Righteous Caliph, sent [a letter] to Imām Hasan al-Bašrī, who was one of the greatest-known religious figures of his time, telling him he was shocked to discover that the Zoroastrians in the land of the Persians, marry their mothers and sisters. How can we allow this? [Hasan al-Bašrī] sent him a letter [of reply] and said this is permitted by their faith. Don't try to change this. Even if they marry their mothers, their religion allows this.*

*Respect for the dictations of [other] religions and faiths is one of the most fundamental things established by Sharia. Muslims are not allowed to poke into the religious matters of other faiths. Islam is at the top of the tolerance scale; it allows one to do what is forbidden to Muslims, if it is permitted [in one's own religion], such as eating pork and drinking wine. Wine for the Muslims is the worst evil, it is one of the worst and most severe sins, yet so long as your religion permits it, Muslims won't prevent it [from you]. What is required in this matter is that this [behaviour] not be spread among the Muslims.*

Schacht writes:

*“The jurisdiction of the Qazi (Islamic Judge) extended to Muslims only; the non-Muslim subject populations retained their own traditional legal institutions, including the ecclesiastical and rabbinical tribunals, which in the last few centuries before the Arab conquest had to a great extent duplicated the judicial organization of the Byzantine state. This is the basis of the factual legal autonomy of the non-Muslims which was extensive in the Middle Ages, and has survived in part down to the present generation”.*

# Letter Versus Spirit of the Law

The intent of Islamic law is not punitive, as much as corrective and reformative.

The Quran is categorical in mentioning the need for laws and the reasoning or purpose behind these laws. Quran clarifies the need to be aware of the purpose of the Laws and not just the Letter:

*“Remember God's blessings upon you, and what He has brought down upon you of the 'al-kitab' (the Law/Book/Scripture) and 'al-hikmah' (the wisdom or purpose behind law) to enlighten you 'bihi' (with it)”. (2:231)*

The word "al-kitab" means the Book, in this case it is the Quran. The word "al-hikmah" means 'the wisdom'. This is the meaning of "al-hikmah" which means God has sent down the Laws and the spirit or purpose behind them as well.

Khurram Murad writes:

*“It is a significant contribution of Islam that these penalties are called ḥudūd (boundaries) and not punishments: they are liabilities incurred as a result of crossing the boundary set by Allah.... Another important function which these punishments serve is educative, and thus preventive and deterrent. The Quran alludes to this aspect when it describes them “as exemplary punishment from Allah” (5:38)*

Therefore before applying the death penalty for a capital offense, the entire case must be investigated by the judge. In such case the family pardons the killer, per the Qur'an's recommendation, the court may reduce the penalty from capital punishment, to prison or exile. The only other grounds for capital punishment are terrorism (al-ḥirāba, faṣād fī 'l-ard) highway robbery and rape - acts which are critical threats to public security.

Laws were revealed to Prophet Muhammed (pbuh) due to real-life situations requiring a judgment. Today the same method is followed in issuing fatāwā. Therefore the ‘reasons for revelation’ (asbāb an-nuzūl) are essential to understanding Qur’ānic revealed laws and the objectives (maqāsīd) behind them. For example, the rules of hijab, the covering of women, were revealed in a time when the hypocrites were ridiculing Muslim women in the streets of Medina.

## **Chopping off Hands and Stoning To Death!**

Let us discuss the most common misconceptions about Sharia law. As is evident from above discussion there is great flexibility in actual application of the laws on account of achieving the objectives of Sharia. However, in today’s world, such an implementation is nowhere to be found, while those few nations who lay claim to an Islamic system of government are in fact quite far from its true implementation. These ‘Islamist’ nations tend to interpret Islamic law with the narrowest view, rejecting traditional teachings and scholarship. We find such governments constantly issuing decrees of stoning to death, amputating hands, lashing, and other severe punishments for various crimes. The current overriding problem is ‘Islamic’ states follow the letter of the law – ‘black letter law’ - without regard to precedents. On the other hand, in Islam, traditional governments follow precedents established over many centuries,

In Islam rules are tempered by application. As a simple example, who is allowed to make the judgment to cut the hand of a thief? Let me explain how this is implemented. First of all, you cannot cut the hands of someone who steals in order to eat, as we see today in Argentina. In Islam, the government’s first duty is to help the

impoverished; you simply cannot cut the hands of people who steal because they are hungry. If a person is in need of medicine and steals it, you cannot cut off his hand. The only time the judgment of cutting the hand applies is when someone steals out of greed, without need, and even then numerous criteria must be met to hand down such a punitive sentence.

Even rules based on the principle of consensus of scholars, *ijma*, which in itself is difficult to accomplish, can be changed. Dr. Wahba al-Zuhayli, wrote:

*“Consensus of scholars on a certain issue made earlier can be abrogated by the consensus made by a later generation if there were changes in the conditions which are for the common good of the people as time progresses. The followers of the Hanbalī school and some of the followers of the Hanafī school say that one can reformulate or abrogate a law developed by consensus at one time by a new law that fits the later circumstances. From an Islamic perspective, this concept of reformation or rejuvenation of the law is necessitated by change in society over time”*(Foundations of Jurisprudence)

Islam requires in the case of the thief that the system attempt to rehabilitate him and seek ways to encourage him to repent:

*“But if the thief repents after his crime, and amends his conduct, Allah turneth to him in forgiveness; for Allah is Oft-forgiving, Most Merciful.”* (5:39)

This means he should be given every chance to reform, such as assisting him to earn a lawful living. It is the state’s responsibility to ensure people’s life needs are met, such that there is no need to steal. Job opportunities should be provided as a form of social security. Such examples can be found in Brunei, and in a number of other wealthy Muslim countries.

Unfortunately, today we see the reverse being implemented by Muslim nations. Someone steals medicine, food, etc. and is punished, while those who amass millions of dollars through dummy corporations, racketeering, money-laundering, illicit drug and weapons sales, are never brought to justice. This is the sad condition of some Islamic religious leaders of our time, who follow the letter of the law in contravention of its spirit.

The Prophet (pbuh) is reported saying, *“By Allah! Even if my daughter Fatimah steals, I would cut off her hand.”* (Bukhari)

His intent was not to show Islam as stern Islam nor to demonstrate a specific parenting style, but rather to demonstrate how abhorrent theft, of any kind, is in the Eyes of God, including: corruption, forgery, bribery, deceit, and larceny. Today however, far from being blind, we see “Sharia Law” abused to advance one group against another, while those who manipulate it appear exempt from its impact.

Let us take another example – that of the punishment of stoning to death for the commission of adultery. In accordance with Islamic Law, the witness must pass his hand or a string between the man and woman, and find it is blocked. According to broad interpretation of the law, there must also be four witnesses, each of whom personally observed the act in detail “al-mā’ il fī ’l-mukhala” (seeing the act with the eye), otherwise the accusation is dropped, and the witnesses are considered transgressors and defamers.

This is what happened to Abī Bakrah, the honorable companion, when he accused Al-Mughīrah bin Shuba of adultery; Al-Mughīrah was release with no punishment, while the witness was arrested, when he said: “I only saw this man rising and falling, while on top of the woman, consecutively and taking turns”. Although Umar | (the second caliph in Islam), was certain that this pious person was telling the truth, he was forced as the leader to consider his testimony

insufficient, and thus an act of defamation, so he punished him. On the other hand, Al-Mugīrah, having satisfied his urge retained his innocence.

Therefore, who can testify, fulfilling all the technical conditions and proofs that the crime was committed? Short of a confession, in practice there is no possibility of fulfilling the stringent evidentiary requirements to guarantee a conviction.

Another caveat attached to the required evidence to prove the crime of adultery is that without sufficient witnesses, the accuser actually becomes the accused and will be punished for the very ugly crime of libel – for which the accuser will be liable.

This demonstrates the essence of Islamic law, with the intent to raise the highest standard of morality for human beings, while in reality the law is almost impossible to legitimately enforce. Therefore, we see legal and social intent is to prevent an act from occurring by highlighting its enormity and emphasizing the threatened punishment, while not expecting it to be applied.

If it was true, that the penalty for the adultery, of a free wedded woman, is stoning to death, it would have been specifically mentioned, because of its terrible terror; and claiming the abrogation, of the above verses, by the “hadith”, is reversing the criterion for deduction.

Let us say that we accept their claim, then what will be done with the wedded slave girls, since their penalty, is half of the penalty of the free wedded woman? Should we divide it, into two halves, this claimed stoning? And how should we do so? That is why the interpreters, were forced to say, regarding the slave girls, the penalty is half the number of lashes of the original punishment. Just this concession on their part, refutes the claim of stoning, without their being aware of it.

The concept at issue here “waiving the severest penalties by all available means,” is best demonstrated by the following incident. A woman came to the Prophet (pbuh) and confessed her adultery. However, the Prophet refused to accept the testimony and turned away from the woman. Time after time he tried to avoid having to implement the letter of the law, but the woman herself came back and insisted. He urged her to rethink the matter – perhaps she had not committed the act, or she was not in her full senses.

She returned and again confessed her crime. He wanted her to hide the act, but again she insisted. Further, she demanded to be punished. Then she came and said, “I committed that act and I am now pregnant.” He instructed her, “Go and deliver the child, then return to me.” She insisted on the punishment. So after delivering the child she came back. The Prophet (pbuh) then bade her nurse the child for two and a half years. Finally, when all possible excuses had been exhausted, the Prophet had no choice but to implement the law.

However, his compassionate heart overwhelmed him and he told his Companions, “If the forgiveness that lady had received for her atonement was to be spread among all of you, it would suffice.”

Thus we see that the message came to correct behaviour, not to punish human beings. There is no greater symbol for Allah’s dislike of an act than its expression as a form of punishment. Yet, despite this, one fails to find a single verse of Qur’ān ordering the penalty of death by stoning – as if by its absence, Allah were saying this is a punishment only for the most extreme cases of flagrant and wanton sexual activity in public, actions which will eventually destroy the moral fabric of the community. How does the warping of this application of law take place? This is in fact due to the political reality behind the visage of extremism in every form.

Cutting of hands and stoning adulterers was legislated to emphasize the wrong of these particular actions: adultery and stealing. The

purpose is not primarily application of the literal punishment, but is rather a means to emphasizing the enormity of these actions and to demonstrate the inhumanity of stealing as a form of injustice, or adultery, as a betrayal of one's spouse.

There are many manifestations in the Shariah that must not simply apply the letter of the law when societal issues might induce the crime. Oftentimes the purpose behind a hadd ruling is more metaphorical than literal, preventive more than punitive.

As we have elucidated, cutting hands for theft is not the intent of the Shariah. Rather the intent is to prevent the commission of crime. This does not differ with the use of the various penalties in the Western modern law, legislated with the intent of eliminating criminal activity.

Al-Shāṭibī writes:

*Throughout Muslim history, those who neglected acquiring mastery over the science of Al-Maqāsiḥ did so at their own peril, as it made them liable to error in ijtihād. Included amongst these were the āhl al-bida (the proponents of pernicious innovations), who only looked at the apparent text of the Qur'ān without pondering over its ultimate aims and objectives. These innovators [an allusion to the Kharijites] held steadfastly to the literal text of even the mutashabihah [the intricate, allegorical segments of the Qur'ān] and premised many conclusions on them. (Muwafaqat Vol 4)*

Keep in mind that when these laws were revealed to the Prophet (pbuh), he was an exceptionally just and merciful leader, as were his successors. For this very reason, when the lady came, demanding to be punished for adultery; he made every effort to avoid implementing the prescribed punishment.

This clarifies any doubt that the Islamic Sharia as a whole tried to balance all aspects of the community. Most scholars hold the view

that most problems in a community or society which cause people to violate the law, are found to originate in societal ailments, stemming from the environment and circumstances in which people are found. These make their way of dealing with others wrong, resulting in criminal pathology making them to act in a manner harmful to themselves and to society.

There is an example in that respect which is related concerning Umar ibn Abd al-Aziz, whom the Muslim scholars regard as the fifth rightly-guided caliph and a true follower of his great-grandfather, Umar ibn Al-Khaṭṭāb. †

Umar ibn Abd al-Azīz's son, Abd al-Mālik, who was a firm pious young man, said to his father one day, "O father! Why you do not implement the rulings firmly and immediately? By God, I would not care if all the world would furiously oppose us so long as we seek to establish the right [that God Almighty has enjoined]." These words show how zealous that young man was to destroy all signs of corruption and deterioration immediately and without delay whatever the consequences.

But the wise father said to his son,

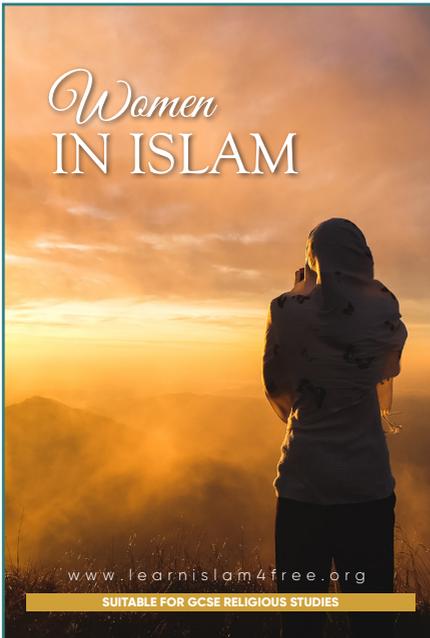
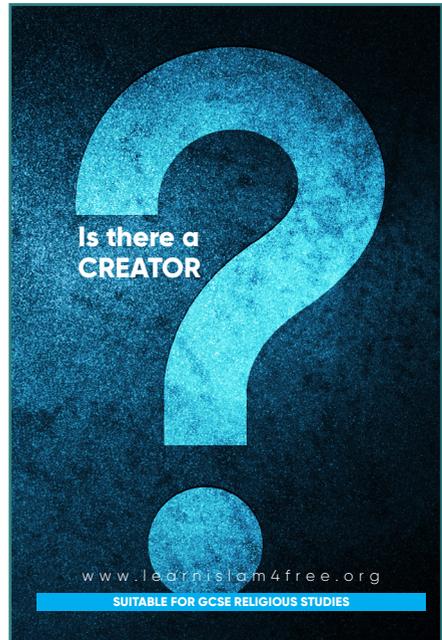
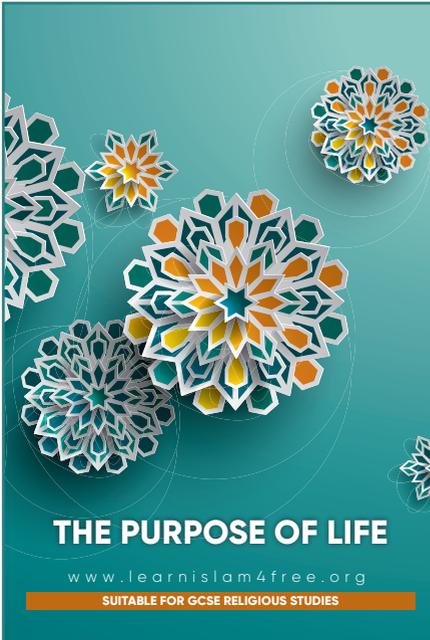
*"Do not deal with matters hastily, son. Allah Almighty [Himself] despised drinking alcohol twice in the Qur'ān and did not declare it forbidden but in the third time. I am afraid that if I enjoined the right on people at one stroke, they would give it up all at once, which might lead to sedition."* (Muwafaqat)

Sharia law thus, requires Muslim Jurists to continually research and labour the result of this struggle is to create opinions and interpretations that move with the time and locale while simultaneously conforming to the intent of the Divine Revealed Law. The Quran declares, to once again reiterate:

*“Remember God's blessings upon you, and what He has brought down upon you of the 'al-kitab' (the Law/Book/Scripture) and 'al-hikmah' (the wisdom/purpose) to enlighten you 'bihi' (with it)”. 2:231*

What is required is to examine and restate the fundamentals of Sharia so that all the misconceptions that have crept in due to current state of stagnation of Muslim world can be dispelled. This requires new ideas, new interpretations, new constructions, new paradigms, new theories, and new stocktaking of the situation whilst being firmly rooted in the principles of Sharia. The process of Ijtihad or revisiting the previous opinions has to gain momentum in order to fully understand and truly benefit from Sharia law in the 21<sup>st</sup> century.

## OTHER ESSENTIAL READINGS



## Booklets

1. The Quran
2. The Book That Shook The World
3. World's First Written Constitution
4. The Sharia Law
5. The Purpose Of Life
6. The People Of The Book
7. What Is Islam?
8. The Concept Of God In Islam
9. Jesus In Quran
10. Did Jesus Predict Coming Of Muhammad?
11. Common Misconceptions About Islam
12. Is There A Creator?
13. Women In Islam
14. The Hijab
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