

What is Shari'ah?

The Arabic word *shari'ah* refers to the laws and way of life prescribed by Allah for his servants. It deals with ideology, faith, behavior, manners and matters of daily life. We recognize that customs and traditions, good taste and civil law all have some authority over people in every culture, preventing them from doing certain things and obliging them to do others. So it is to be expected that religion, too, would have some authority over people. In Islam, this authority rightfully belongs to Allah and is derived from His final revelation.

The Islamic Shari'ah is a divinely ordained legal system whose primary objective is benefit to mankind. Its principles are designed to protect people from evil and direct them to what is best in all aspects of life. Moreover, its benefit is for everyone – rich and poor, rulers and ruled, men and women, Muslims and non-Muslims, whose right to worship and manage their personal and family affairs according to their own norms is explicit. The Shari'ah provides injunctions that guarantee justice, promote the general welfare, preserve order, safeguard human rights, and define responsibilities.

Its established constants are derived from the texts of the Qur'an and teachings of Prophet Muhammad, and have been confirmed by a consensus of Muslim scholars both in theory and practice. These basic principles are agreed upon by all, while differences over variables are acceptable and in fact, provide the flexibility necessary for the system to accommodate changing circumstances.

Besides defining methods of Islamic worship, the Shari'ah provides an outline for thought and education based upon such moral values as justice, generosity, chastity, honesty, mercy and respect for humanity in general. It provides the standard for social and political issues – the choice of a ruler, consultation within the government, opposition to injustice, defense of truth and right, individual and collective duties, intellectual enlightenment based on evidences and proofs, respect and tolerance for the viewpoints of others and the encouragement of open and frank discussions.

Generally, anything that is neither known to be harmful nor mentioned as forbidden in Islamic law is permitted. In what pertains to daily life, all is allowed except for what was explicitly prohibited in the Qur'an or by the Prophet (ﷺ), and this includes everything harmful, whether or not it is considered so by limited human perception. And what is forbidden in Islam is a small segment of the whole, so that what is permitted is sufficient to make what is forbidden unnecessary.

Islamic legislation has a moderate approach to issues and problems and regarding the relationship between the individual and society. The Shari'ah has left particular areas open for scholars to make interpretive judgments according to the practical realities of a changing world. It reconciles the issue of progress with that of continuity in its primary goals and objectives, striking a balance between them in matters of human life. At the same time, its religious, moral, economic, and social values remain constant, governed by a set of unchanging principles.

It is true that the system includes a few severe penalties for certain types of criminals, but in practice, crime has always been drastically reduced within societies that applied Islamic Shari'ah, and this is the real purpose of its legislation. Crime and punishment cannot be treated as separate issues. When the Shari'ah is considered in totality, one finds that initially, every measure is taken to provide what is lawful and block all avenues leading to the unlawful. Moreover, punishment cannot be applied unless it is established beyond any doubt that the crime was committed with knowledge of its prohibition and without compulsion by someone of legal age and sound mind. Further, an additional burden of providing trustworthy witnesses in some cases makes conviction highly unlikely. In light of the numerous constraints, a determined transgressor, once convicted in a court of law, may rightly be punished as a further deterrent to others. Thus the system is not only just, but most merciful to society as a whole.