

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah, Most Gracious, Most Merciful



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## Khutbah on Understanding Shari'ah

أَلَا يَعْلَمُ مَنْ خَلَقَ وَهُوَ اللَّطِيفُ الْخَبِيرُ

**Can He who has created not know (His creation)? And He is the Most Kind and Courteous (to His slaves), All-Aware (of everything). (67:14)**

In the past year or so, one of the hottest topics in America has been that of Shari'ah. There are those who spend a tremendous amount of human and financial resources to create the fear *that Shari'ah is about to rain over the USA.*

- ✦ Some say this will cause "*destruction of the national existence of the United States*";
- ✦ Some describe Shari'ah as force that is "*destroying Western civilization from within...*"
- ✦ Not only do we see the ignorance of layman regarding Shari'ah, but politicians talk about Shari'ah as "*an infiltration ... into all of our operating systems in our country as well as across Western civilization.*" They say, "*we must be willing to recognize that enemy.*"
- ✦ Presidential hopefuls have made Shari'ah one of their top campaign issues, and one such presidential hopeful calls Shari'ah "*a mortal threat to the survival of freedom in the United States and in the world as we know it.*"

As a result of this false propaganda and made-up fear, the term **Shari'ah** has **not only** become

an ugly term **but** there are currently almost two-dozen states that have proposed legislation to prohibit the use of Shari'ah.

**For Muslims, the passing of anti-Shariah legislation would mean that** if we were caught talking about Shari'ah we would be jailed. Or if we make Wudhu (ablution) in a public place we could be fined or jailed. Even if we offer our Salaah (prayer) openly we could be jailed. Basically anything to do with Shari'ah would be enough to get us in trouble.

Before I even begin **to explain the meaning and core concepts of Shari'ah** there are **some serious questions** and concerns that as Muslims we simply cannot ignore.

**Firstly**, when rights are upheld by the constitution of this country no religious law can override those rights no matter how strong the religious adherents may be. ***Take the issue of abortion***, for example:

- Christians, who make up the majority of the US (70%) and have been living here for centuries, as well as many faith-based groups who religiously oppose abortion cannot and have not been able to overrule the right to abortion.
- If seventy percent (70%) or more cannot legislate and impose religious laws then the question is how **can less than 1% of this nation overnight implement Shari'ah in the US?**

**The Constitution addresses the issue in the event there is a conflict in law which should take precedence.**

**Article VI, Clause II** of the US Constitution known as **The Supremacy Law** clearly states:

*“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the*



*Authority of the United States, shall be the supreme Law of the Land;...”*

**So the question is:**

- Why single out Shari'ah when the Constitution clearly states that the Laws of the United States will be the supreme law of the land and this has always held true?
  - Or is there another hidden agenda against Islam and Muslims?
- Is the attack on Shariah really a way of “upholding the constitution?”
  - Or is it hatred, racism, bigotry and Islamophobia that is at work hiding behind the very document that is meant to eradicate such behaviors?!

The **Establishment Clause**, which is the first of several pronouncements in the First Amendment to the United States Constitution, clearly states that Congress shall make no law respecting an establishment of religion.

**Secondly** Islam is not a new faith or secret cult. Almost one out of five people or 20% of our world today belongs to the Islamic faith. At the same time many non-Muslims have come into contact with Muslims whether at a personal, social, financial or international level. They have not complained that Shari'ah is a threat. Muslims have been in the US for decades.

- When and where did Muslims demand to have Shari'ah implemented in the US?
- When and where did Muslims in the US decide that they will no longer follow the US constitution and will instead follow Shari'ah?
- And if a few individuals want to have Shari'ah is this enough evidence to ban Shari'ah?

Yes, Muslims have introduced Shari'ah in court **not in an attempt** to establish an independent law but rather in recognition of the norms to which the parties have already agreed to be bound. In American courts this is done on a daily basis for many religious based groups and it is



called **contract law** and there is no contradiction here. It is **not “creeping Shari'ah.”**

As a matter of fact, the Jewish community has established their **Beth Din**, which arranges Jewish divorces and ensures that the procedure is carried out in a sensitive and caring manner. Part of the Shari'ah deals with the effective working of the family with very close regulations like that of Judaism. **Why then do we say that Shari'ah will destroy freedom?**

**Thirdly**, Shari'ah is often presented as:

- the stoning of adulterers,
- honor killings
- cutting off the hands of thieves,
- the denial of basic freedoms for women as witnessed in some Islamic countries.

**Ironically** many of these punishments that are carried out in Muslim countries in the name of Shari'ah are in fact violations of the Shari'ah itself.

In the time of Prophet Muhammad (S) a woman named Fatimah from the elite Bani Makzoom tribe stole and they wanted to avert any punishment. The Prophet (S) said: Nations before were destroyed because when the rich stole they never applied the punishment and when the poor stole they carried out the punishment.

So the implementation of laws begins at the top, not at the bottom.

**We do not call the 34 states in the US** with death penalty statutes barbaric or *“a mortal threat to the survival of freedom in the United States.”*

**Also, we must remember** that the beauty of a picture is to look at the whole; extracting one part may lead to comments that the picture is no good. Beauty is in the whole and not in the



individual parts.

**Fourthly**, we cannot get any more thoughtless than picking out isolated verses and labeling them as Shari'ah. This is what we sometimes call **Scripturalism**. We can go to any scripture and do the same, or even worse. **Deut:** 21:18- 21; **Luke** 19:27; **Ephesians** 5:22-24; **Corinthians** 11:3-10; **Timothy** 2:9-14; **Genesis** 3:13-16; **Joshua** 10:19-41;

Or we can look at Hindu scriptures. For example, Apastambha Dharma Sutra III, 10-26, says:

*The tongue of a Shudra, who spoke evil about a Brahmin should be cut off. A Shudra who dared to assume a position of equality with the first three castes was to be flogged. If a Shudra overheard a recitation of the Vedas, molten tin was to be poured into his ears; if he repeated the Vedas his tongue should be cut and if he remembered Vedic hymns, his body was to be torn into pieces.*

**Finally, why try to fix a problem that doesn't exist?** Shari'ah is not a problem here in the US. It is like the story of a man who divorces his wife because he feels that she will give her mother the milk of a cow instead of selling it, when in reality he has not yet bought the cow.

**What happens to real problems that exist?**

**The man in the street**; Main Street and Wall Street want to know:

- How do politicians plan to fix the economy, the education system, the health system or the budget deficit? How do they plan to tackle unemployment, discrimination, immigration, failing families, drugs, corruption, violence, rising food and gas prices, crimes, social injustice, and the feeding of 49 million people that go hungry on a daily basis? These are our real problems!



Now let us try to understand what Shari'ah is.

Linguistically the word Shari'ah means: a straight way, a path

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

*Then We put you on the (straight) Way of Religion: so follow that (Way) and follow not the desires of those who know not.*

This is the **only place** where the word **Shari'ah** is used in the Quran.

**In the religious context:**

We begin by saying that Allah (SWT) alone is the source of truth and the Only One who determines it, as He alone has created the entire creation and is the Only One who knows its secrets. We as human beings may exercise our intellect to its fullest capacity, but without His Guidance we will overlook and misunderstand much, as we are very limited within our environment.

**On the other hand** Allah (SWT), the Creator who transcends time and space, has the ultimate knowledge of everything, as **He SWT says:**

أَلَا يَعْلَمُ مَنْ خَلَقَ وَهُوَ اللَّطِيفُ الْخَبِيرُ

**Does He who created not know, while He is the Subtle, the Acquainted? (67:14)**

This truth has been communicated to us through His Prophets and Messengers and through revealed scriptures often referred to as The Shari'ah as **He SWT says:**

وَأَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ مُصَدِّقًا لِّمَا بَيْنَ يَدَيْهِ مِنَ الْكِتَابِ وَمُهَيْمِنًا عَلَيْهِ ۗ  
فَاخْكُمْ بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ ۗ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ عَمَّا جَاءَكَ مِنَ الْحَقِّ ۗ لِكُلِّ

جَعَلْنَا مِنْكُمْ شِرْعَةً وَمِنْهَاجًا

Then We revealed the Book to you (O Muhammad!) with truth, confirming whatever of the book was revealed before, and protecting and guarding over it. Judge, then, in the affairs of men in accordance with the law that Allah has revealed, and do not follow their desires in disregard of the truth which has come to you. For each of you We have appointed a Shari'ah and a way of life. (5:48)

So each nation Allah SWT has sent them their Shari'ah as Qatadah (RA) said:

لِلتَّوْرَةِ شَرِيعَةٌ، وَلِلْإِنْجِيلِ شَرِيعَةٌ، وَلِلْقُرْآنِ شَرِيعَةٌ، يُحِلُّ اللَّهُ فِيهَا مَا يَشَاءُ،  
وَيُحَرِّمُ مَا يَشَاءُ بِلَاءً، لِيَعْلَمَ مَنْ يُطِيعُهُ مِمَّنْ يَعْبُدُهُ. وَلَكِنَّ الدِّينَ الْوَاحِدُ:  
التَّوْحِيدُ

*The Torah has its Shari'ah, the Injil has its Shari'ah and The Quran has its Shari'ah. Allah SWT makes whatever He wishes lawful and whatever He wishes unlawful as a test to see who obeys from the one who disobeys but the core of belief is one: Tawheed; the Oneness of Allah SWT.*

Shari'ah is therefore defined as:

كُلَّ الْأَحْكَامِ الَّتِي سَنَّهَا اللَّهُ تَعَالَى فِي كِتَابِهِ، أَوْ جَاءَتْنَا عَنْ طَرِيقِ رَسُولِهِ صَلَّى  
اللَّهُ عَلَيْهِ وَسَلَّمَ فِي سُنَّتِهِ، لِأَفْرَقَ بَيْنَ أَنْ تَكُونَ فِي مَجَالِ الْعَقِيدَةِ أَوْ الْعَمَلِ أَوْ  
الْأَخْلَاقِ".

**Shari'ah** is the embodiment of all of the guidance and directives that Allah (SWT) has prescribed for humanity in the Quran or given by the Messenger (S) through his sayings and actions (in

order to perfect their lives), whether they pertain to matters of:

◆ **Belief, such as:**

- Belief in the metaphysical realities, **أمور غيبية** **Umoor Ghaibiyah:**  
Allah's essence and attributes, angels, the Day of Judgment, the taking out of the soul, grave, resurrection and the events that follow (like the reckoning of deeds and recompense, Paradise, Hell-Fire etc.)
- Violations in the Belief of Allah (SWT)

◆ **Character** **أَخْلَاق** : That which relates to the regulation of the outward behavior of people.

- Virtuous qualities to act upon like honesty, integrity, keeping promises, courage, truthfulness, kindness, humility, good conduct with others and forgiveness.
- Evil qualities to avoid like lying, deception, breach of promise, cowardice, stinginess, arrogance, selfishness, pride, and bad conduct with others.

◆ **Deeds/actions:**

- The conduct of the human being with respect to his Creator, like the injunctions relating to Salaah, Fasting, Zakaah and the Hajj pilgrimage. These are known as Ibaadaat **عِبَادَات**
- Those pertaining to interaction with each other known as Mu'aamalaat **مُعَامَلَات** such as laws of inheritance, contracts, marriage, divorce, conduct between spouses and child care, food, drink, clothing, crimes





and punishments, banking, business, judicial matters (including witnesses and forms of evidence), other forms of human dealings as time and place determine, social issues, endowments, etc.

Altogether these make up Shari'ah. So to say that Shari'ah is just penal laws or capital punishment would be totally incorrect. Or to call **Shari'ah "law"** would be wrong as law has its own juristic jargons and authoritative ramifications.

We must dispel the negative image and wrong propaganda surrounding Shari'ah and present the right picture. It is time for us Muslims in America to show that the Shari'ah that others want to outlaw is the very thing that, if followed by Muslims, will make us pious, sincere, patient, forbearing, modest, honest, decent, dutiful to parents, kind to kith and kin, passionate, courageous, generous, truthful, gentle, humble and tolerant and will make us enjoin good in all aspects.

Adhering to Shari'ah means we will abstain from trickery, betrayal, immodesty, disgraceful behaviour, consuming unlawful food and drink, lying, slandering, miserliness, cowardliness, showing-off and self-glorification.

We must act now! By remaining silent we are allowing enemies of the true freedoms of our Constitution to dominate the debate. We cannot allow another face of hate, racism, prejudice, discrimination, Islamophobia and bigotry to triumph.

### END ###

