

8. **What place do human rights have in Islam?** The provisions of the Human Rights Charter of the UN are similar to the rights upheld by Islam. Many Muslim scholars believe that the UN Human Rights Charter and the US Bill of Rights may have been influenced by Islamic principles of human rights.

9. **What the Shari`ah says about drinking Alcohol and gambling?**

The Shari`ah strictly prohibits (Haram) it. Many accidents, crimes, family disputes could be traced to drinking. The Qur'an says: O ye who believe! Intoxicants and gambling... are an abomination of Satan's handiwork. Eschew such abomination that you may prosper.

Satan's plan is to excite enmity and hatred between you, with intoxicants and gambling, and hinder you from the remembrance of Allah... (5:93, 94)

10. **What is the position of Shari`ah on capital punishment?**

The Qur'an reformed the Biblical concept of tooth for tooth. Retaliation is prohibited, and justice is to be established by due process of law.

For example, Islamic law holds there to be two kinds of murder, intentional and unintentional. In matters of intentional murder, a murderer with a criminal record could receive capital punishment or long imprisonment. A first-time murderer may be imprisoned. He/she might be freed by a settlement depending on the nature of the case. A murderer can be obligated to pay Diyat (compensation to the victim's family) or even be forgiven and pardoned without compensation by the victim's family, depending on the wishes of victim's family.

Murder committed in anger or in a family dispute may result in imprisonment, required payment of Diyat or pardon depending on the victim's family. Most cases in Islamic Courts end with reconciliation in the pre-trial process.

Murder by accident: There is no imprisonment in such cases. Payment of Diyat or forgiveness is preferable in the Shari`a.

The Qur'an encourages forgiveness and pardon. Those who forgive others' faults, God will forgive them in the hereafter.

Juveniles are not to be imprisoned but kept in separate institutions. They should receive vocational training and education.

Children in their natural state are pure and innocent. The kind of person they will become depends on their parents and environment. Children brought up in good environment, mostly stay good.

Children born in bad environments if raised in a better place will change accordingly. Punishment in Islam is mostly for habitual adult criminals, and is meant for crimes committed by free will when the offender is of sound mind and ability without justifiable reason or compulsion.

Some Basic Texts:

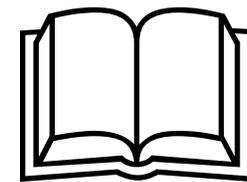
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UNDERSTANDING Shari`ah

(Islamic Law)



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1. *What are Shari`ah and Fiqh?*

The word *Shari`a* literally means “waterhole”, but it also means “the right path” in reference to the right way of life. The word *Fiqh* means “understanding” or “deriving”; it is the study of Islamic law. The essence of Shari`ah is the divine Will of God. Fiqh is the human understanding and execution of the Shari`ah.

2. *Did God prescribe Shari`ah to the Biblical Prophets?*

Yes. The Qur’an says, “The same religion (law) that God established for you as that which He enjoined on Noah, that which We sent by revelation to you, and that which We enjoined on Abraham, Moses and Jesus that you should remain steadfast in religion and make no division therein.” (42:13)

3. *What are the major goals of Shari`ah?*

1. To establish and regulate the relationship between God and humanity.
2. To establish and regulate relationships between people. These goals are inherent in the five pillars of Islam.

The Shari`ah lays down principles to regulate affairs between God and humanity and between people. The Fiqh explains Shari`ah and makes Shari`ah applicable and adaptable to all changing time and space.

4. *What are the sources of Shari`ah?*

The sources of Shari`ah are the Qur’an and Hadith. Qur’an is the Word of God and Hadith is the recorded Sunnah: Prophet Muhammad’s (peace be upon him), sayings, deeds, and approvals or disapprovals. Hadith is essential for application and understanding of the Qur’an. No legislative body has the authority to change or abrogate the fundamental rules of Shari`a clearly established by the Qur’an and Sunnah.

5. *What are the kinds of Fiqh?*

1. Ijtihad: an expert opinion on legal matters in light of the Qur’an and Sunnah; it is different from a simple opinion.
2. Qiyas: analogically deduced rule from the Qur’an and Sunnah to deal with an issue. Qiyas carries more weight than Ijtihad but remains an individual opinion on a certain issue.
3. Ijma’: consensus of scholars; when the experts in Islam agree on a Qiyas or Ijtihad, it becomes Ijma`, which people are then bound to follow, like laws passed by a congress or parliament.

6. *What are some key concepts of Shari`ah?*

1. Fard: obligatory; ordained by God in the Qur’an.
2. Sunnah: recommended for Muslims to practice. Great rewards are promised to those who follow the Sunnah.
3. Haram: forbidden by the Qur’an or explicitly so by the Prophet.
4. Halal: permissible, allowed by the Qur’an and Sunnah of the Prophet.

5. Makruh: discouraged or disliked by the Qur’an and Sunnah of the Prophet.

A Muslim’s daily life is directed by the concepts of Shari`ah. Fard and Sunnah apply mostly to the acts of worship and the five pillars of Islam.

Rules regarding Halal and Haram apply to Muslims’ social lives, food and drink, marriage and family relations, clothing and adornment, and work and earnings.

The following people play a significant role in defining the rules of social life:

1. Faqih (expert in Islamic Law)
2. Mufti (expert who can give legal opinions on certain issues called Fatwa (a legal verdict) is not binding without Ijma’ (consensus).
3. Qadi (the Arabic word for a Judge).
4. Sheikh or Alim (an expert in Islamic studies).

7. *What are the different schools of law?*

There are five schools of Islamic law:
* The Hanafi School,
* The Maliki School,
* The Shafi’i School,
* The Hanbali School, and
* The Ja’fari School.
The first four are the Sunni schools of law and the final, the Shi’a school of law. These Schools have played an important historic role in the development of Islamic law.