Shari’ah – Part 2 (Protection of Faith)

Synopsis of the Friday Sermon delivered by Ameer Mustapha Elturk on June 03, 2011

Last Friday’s sermon was an introduction to a series of sermons to be delivered on the subject of Shari’ah. There was a brief discussion on the fundamental sources of Shari’ah and the objectives of Shari’ah (Maqasid al-Shari’ah). There was also a discussion about the misconception that some people have about Shari’ah, which among others is that Muslims want to impose their belief on others; to convert them to Islam; to force women to wear hijab (veil), and to deprive people of their freedoms.

The goal of Shari’ah is to protect the inalienable rights of people regardless of their belief, race, color, and gender. These protected rights, which are broadly five, pertain to people’s faith, life, progeny, property, and intellect. According to Imam al-Shatibi, they constitute the essentials (daruriyat) required for establishment of welfare in this world and the next. While sovereign countries have their own laws to safeguard people’s rights, the guidance under the Islamic Law (Shari’ah) is directly from the Shari (Allah—the Law Giver) who created man and knows what is good and bad for him. Hence Shari’ah, in essence, is for the sole benefit of man and a mercy from Allah (SWT).

Protection of Faith – The First Objective of Shari’ah

Faith is the essence and spirit of human life. Worship (‘Ibadah) is at the core of maintaining one’s faith. For Muslims, the five pillars of Islam—shahadah, salah, zakah, sawm, and hajj are necessary for the very existence of their deen (faith). Muslims profess their faith through a verbal testimony by bearing witness to the unity of God and the prophethood of Muhammad (SAW). Muslims believe that Muhammad (SAW) is the seal of all God’s prophets and messengers, in a chain that started with Adam (AS) and includes among others Noah (AS), Ibrahim (AS), Musa (AS), and ‘Isa (AS).

Muslims also express their faith through devotional practices. They perform the five daily prayers, an act of worship that keeps them connected with their Lord. The very essence of salah is to constantly connect with and remember Allah (SWT) as is evident in the Qur’anic ayah, “Surely, I am Allah. There is no god but Me, so worship Me, and establish prayers for My remembrance” (Ta Ha 20:14). This is how Allah (SWT) introduced Himself to Musa (AS). Fasting during the month of Ramadan has been prescribed to Muslims so that they may be mindful of Allah (SWT) and learn self-restraint. “O you, who believe, fasting is prescribed for you as it was prescribed for those before you, so that you may be mindful of God” (al-Baqarah 2:183). We find that zakah (poor due) is another duty regulated by Allah (SWT) to ensure that the poor and destitute are cared for and that their basic needs are met. Finally, Muslims, who are physically and financially capable to undertake the journey of Hajj, are required to visit the Ka’aba (sanctuary built by Ibrahim (AS) and Isma’il (AS) in the city of Mecca in Saudi Arabia) to seek forgiveness from their Lord and to renew their covenant with Him.

All these modes of worship are specific to Muslims only. People of other faiths have their own beliefs and modes of worship. The Jews, the Christians, and the Pagans, each have their own sets of rituals to express their appreciation to whatever deity they believe in. To compel non-Muslims to believe in what Muslims believe in, and worship the way Muslims worship, is against the Shari’ah. The Qur’an says, “There is no compulsion in
Shari’ah not only allows other faiths to coexist but actually guarantees the protection of their houses of worship and properties. It respects the worth of every human being in his or her own belief and endeavor in the pursuit of life and the truth. In Medina, the Prophet (SAW) invited the Jews and the Christians to Islam. Some believed while others did not. But, he did not compel them to accept Islam. He hosted the Christian delegation of Najran with great hospitality, even though they did not accept Islam after engaging in a lengthy dialogue and debate with him. He even allowed them to perform their ritual worship in the Prophet’s Masjid in Medina. They remained on their faith. The Qur’an urges us to engage with the Jews and Christians whom it calls the “people of the Book” (ahl al-Kitab) in things which are common between us and them. Say: O People of the Book! Come to common terms as between us and you: That we worship none but Allah; that we associate no partners with him; that we erect not, from among ourselves, Lords and patrons other than Allah. If then they turn back, say you bear witness that we are Muslims” (Aal ‘Imran 3:64). The Qur’an does rebuke the Jews and the Christians for failing to uphold the unity of God (tawhid), and for failing to uphold their Shari’ah, but at the same time, in all fairness, the Qur’an praises them when they adhere to the divine injunctions. As a matter of fact, the Qur’an lavishly compliments the Christians when it says, “...And you will certainly find the nearest in friendship to those who believe (to be) those who say: We are Christians; this is because there are priests and monks among them and because they do not behave proudly” (al-Ma’idah 5:82).

Shari’ah promotes good relations with all, so that people may come to terms and live with another irrespective of their faith, creed, race, color, gender etc. This pluralism is reflected from the fact that on his arrival at Medina, after the hijrah, the Prophet (SAW) executed alliance pacts with different tribes and communities including the Jews. This ensured the safety and security of Medina against foreign aggression as all parties to the alliance, whether Muslim or non-Muslim, whether hostile or friendly to each other were legally and morally bound to stand against their common enemy, if and when attacked. In the Constitution of Medina drafted by the Prophet (SAW), the Jews in Medina were regarded as a community (ummah) along with the believers. Later on, the Prophet (SAW) offered citizenship and cooperation to the Christians of Najran, and undertook to give them protection for their lands, properties, churches and services. According to a letter sent to them by the Prophet (SAW), they had the protection of God and the protection (dhimmah) of Muhammad (SAW). The importance of a pluralistic society is indeed accentuated in the Qur’an: “O mankind, We created you from a male and female, and We made you into nations and tribes, that you may know one another” (al-Hujurat 49:13). We have seen recently that when Terry Jones wanted to protest against the Shari’ah at the Islamic Center of America (ICA) on the eve of Easter, Christians of every denomination and some Jews as well sided with the Muslims to show their solidarity against such extremism. Also, places of worship to whosoever they belong are to be consecrated and not desecrated. We have in the Qur’an, “...If God did not repel some people by means of others, many monasteries, churches, synagogues, and mosques, where God’s name is much invoked, would have been destroyed...” (al-Hajj 22:40).

We also need to understand the term dhimmī, which is often misunderstood. This term was used to define the status of the Jews and Christians in an Islamic State. A dhimmī is one who is promised to feel secure about his property, honor, and faith because of the dhimmah or protection granted to him in religious, economic, and administrative domains by the Islamic State. In lieu of the zakah, which is paid by Muslims, as an integral part of their ‘ibadah, zakah does not apply to dhimmis as they are not Muslims, and hence they are levied the jizya or poll tax for their protection and welfare. With the spread of Islam, the term dhimmī began to be applicable to not only the Jews and Christians but also Zoroastrians, Buddhists, Hindus, and Pagans.
History is witness that religious pluralism, a much debated topic today, was practiced centuries ago throughout the Muslim rule. All religious communities had the right to exercise their own courts. Religious pluralism is rooted in our history of governing and the political system of Islam. Non-Muslims have always been encouraged to participate and contribute to the intellectual and political life of the country under Islamic rule. The Jews and Christians held key posts in public offices. The histories of the Muslim rules of Abbasids, Mamluk, Ottoman, Mughals, and Muslim Spain bear testimony that Jews, Christians, Muslims, and Hindus lived in peaceful coexistence. It can be asserted that the gist and spirit of the Islamic Shari’ah regarding pluralism and protection of faith of others is embedded in the Qur’an and practiced by the Prophet (SAW) and his followers.

The topic of ridda (apostasy) or deserting one’s Islamic faith is a somewhat sensitive and contentious issue. From a religious perspective, the act of abandoning one’s faith is a sin punishable by God in the hereafter. For a Muslim to become a murtad (apostate) is a grave sin. It is a matter between him and God who alone will judge him on the Day of Judgment. However, if apostasy is done with an attempt to undermine the stability of the society, then it is not Islam, but rather the society that calls the person to account. This is because the individual’s private matter of religious belief and practice becomes a public issue and begins to threaten the well being of its members. When Sheikh Ali Juma’, the Grand Mufti of Egypt was asked if a Muslim could abandon his faith, he replied in the affirmative and based his assertion on the Qur’anic ayat, “To you your Way and to me my Way” (al-Kafirun 109:6) and “Say, 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” (al-Kahf 18:29). On the other hand all four schools of thought agree that the punishment for apostasy is death. This view is shared by the majority of traditional and contemporary scholars of Islam. Apostasy has always been and remains a fiqhi issue to be judged in accordance with the circumstances surrounding the case.

The laws of the Qur’an and the Sunnah seek to promote what is good and forbid what is harmful in every day communal life. The ulama’ have generally considered mercy (rahmah) to be the all pervasive objective of Shari’ah as it establishes justice or balance (al-‘adl) between rights and responsibilities, and between privileges and duties, so as to eliminate excesses and disparities in all spheres of life.

Edited by Dr. Munawar Haque
IONA Research & Publications
publications@ionaonline.org
www.ionaonline.org