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Misconceptions About Sharia Law | The Most Misunderstood Aspect of Islam

6-8 minutes

Misconceptions About Sharia Law

Sharia [شريعة] Law has now become a term familiar even to non-Muslims. Many associate Sharia with the amputation of limbs for stealing, death by stoning for adultery and homosexuality, the death penalty for blasphemy and apostasy, and lashing and other gruesome punishments for minor offenses. Because of these associations, Sharia has become synonymous with a draconian and inhuman Islamic legal system. Especially in the West, Sharia is portrayed as archaic and unfair social justice imposed on those who live in Sharia-governed countries.

Many Muslims regard the Sharia as Divine Law, however most are unaware that none of the punishments mentioned above are divinely revealed, as none of them is endorsed by the Holy Qur'ân. The Qur'ân decrees no earthly punishment for blasphemy or apostasy (abandonment or renunciation of the faith), nor does it anywhere command stoning for any crime, condone female circumcision, or support banning art and music. It does not endorse treating women as inferior or preventing them from joining any profession, nor does it condone taqiyya (lying to nonbelievers). All these are innovations that later crept into Islam.

There have always been politically motivated movements within Islamic countries that attempted to introduce non-Qur'ânic laws in the name of Islam. Capital punishments for blasphemy and apostasy appeared when increasingly despotic Muslim empires sought to find a religious justification for eliminating political opponents. They established rigid laws that not only were contrary to basic Qur'ânic teachings but at the same time were inhumane and immoral.

In the twentieth century the Wahâbî movement, which had been founded in Saudi Arabia by Ibn 'Abdul Wahâb (d. 1787 CE), began gaining ground globally. The Saudi-Arabian government, which has adopted the Wahâbî ideology, insists that it represents the only "True Islam." Under Saudi pressure, Pakistan for example introduced and promulgated various Sharia laws as part of its so-called "Islamization" efforts from 1977 to 1988. More and more Islamic states have since introduced laws in the name of Sharia. Several recent radical movements, such as the "Islamic State" (also known as ISIS or ISIL), Boko Harâm, the Tâlibân, and al-Qâ'ida, are also ideologically grounded in or heavily influenced by Wahâbî ideology and have taken it to its extreme. In the Wahâbî schools of thought, the only approach for handling crime is to punish the perpetrator with drastic physical punishment. Abu Zahrâ writes in his highly regarded "History of Islamic Schools of Thought": "Ibn 'Abdul Wahâb was excessively more extreme in his conception than anyone in the past." He further stated that "the later Wahâbî Saudi followers and implementers went to even further extremes surpassing all limits of jurisprudence, declaring acceptable matters forbidden and forbidden matters acceptable. The Wahâbî Saudi Movement, never content to promulgate its beliefs by tongue or pen, wielded a sword to fight whoever differs with them." [Abu Zahrâ, History of Islamic Schools of Thought (Al-Azhar; Cairo: Darul Taqwa. 1977).

Wahâbism, the Saudi kingdom's official Islamic school, regards Shi'ism as heretical, lauds an aggressive concept of jihâd, and urges the hatred of infidels. Its clerics run the Saudi justice system and have the financial

means to spread their new concept of Islam abroad. They teach armed jihād as a blessed activity in the defense of Islam against “infidels” and heretics, an activity that promises its followers rewards in heaven. Saudi clerics openly denounce Shi’ites as “rejectionists” and “infidels”—a term in common currency among Sunni militants in the sectarian bloodbaths afflicting several Middle Eastern nations. Even though both Sunni and Shi’ites honor the same Prophet (pbuh), read the same Qur’ân, and follow it to the best of their understanding, many of these clerics refuse to acknowledge that Shi’ites are Muslim.

Salafism has heavily influenced Wahâbism. Both Salafis and Wahâbis regard the Qur’ân and the Ahadith (traditions and sayings of the Holy Prophet [pbuh]) as two equally valid sources of Islam. This notion is fundamentally wrong, however; the Qur’ân has clear superiority and preference over the six books of Ahadith, called “the correct six” by the ‘ulemâ’ (religious scholars) of Wahâbîs and Salafis. When seeking to establish the Islamic practice for dealing with blasphemy or any other issue, you need to refer primarily to the Qur’ân and support it from the traditions (Ahadith), not the other way. In practice, however, these Muslim scholars do the latter. Apart from its procedural flaw, this method leads to inaccuracies, since the authenticity of the Holy Qur’ân is divinely established, but not all Ahadith are reliable. Even if a hadith (singular of Ahadith) is correct, there might be variations in wording or punctuation, which can lead to confusion, especially when one is trying to derive precise legal rulings. These scholars have dug into the Ahadith to find support for their views, and they have cared little whether or not the Qur’ân endorses their position. They have justified their rulings exclusively based on Ahadith, even when such “traditions” contradict Qur’ânic injunctions. To support their elevation of Ahadith to the level of Qur’ânic law, they refer to such verses as “And We have sent no Messenger but that he should be obeyed by the leave of Allah” (4:64) and “Obey Allah and obey the Apostle” (4:95).

However, the Prophet (pbuh) never contradicted or acted against what he was told in the Qur’ân:

مَا كَانَ لِبَشَرٍ أَنْ يُؤْتِيَهُ اللَّهُ الْكِتَابَ وَالْحُكْمَ وَالنُّبُوَّةَ ثُمَّ يَقُولَ لِلنَّاسِ كُونُوا عِبَادًا لِي مِنْ دُونِ اللَّهِ وَلَكِنْ كُونُوا رَبَّانِيِّينَ بِمَا كُنْتُمْ تُعَلِّمُونَ الْكِتَابَ وَبِمَا كُنْتُمْ تَدْرُسُونَ

“It is not given to a human being that Allâh should give him the Book, the sovereignty and the prophethood and then he should say to the people, ‘Be servants to me beside Allâh.’ He would rather say, ‘Be you the sole devotees of (Allâh) the Lord, for you teach the Book and because you study (it).’” (3:79)

Therefore, there should be no divergence and disagreement between the Qur’ân and the Sunnah, the practice of Qur’ânic teachings by the Prophet (pbuh). The Prophet’s (pbuh) Sunnah is defined by the Qur’ân and is located strictly within the parameters of the Qur’ân. The Ahadith have no independent authority. Sharia Law must be supported by the Qur’ân.