

Shari'ah Governance: An Islamic Economic System

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Abstract

This paper examines the roots of shari'ah in order to provide a solid theoretical foundation that is needed for understanding Islamic jurisprudence in general and Islamic transactional law in particular. Without this minimum understanding of shari'ah, it would be rather difficult to discuss Shari'ah governance.

Keywords: Shari'ah Governance, Qur'an, Sunnah.

*Sharī'ah*¹ etymologically means the source of drinking water,² and *shar'* means to ordain.³ Muslims believe that *sharī'ah* is an ethical way of life revealed by God to secure the success (*falāh*) of creation in this world and the next.⁴ It does so by promoting what will benefit beings

¹ Arabic words are Romanized using the standard issued by the American Library Association and the Library of Congress.

² Muḥammad Ibn Manzūr, *Lisān Al-'Arab*, 3rd edn (Beirut: Dār Iḥyā Al-turāth Al-'Arabi, 1999), Vol. 7, 86.

³ Ibid.

⁴ Ibrahim Al-Shāṭibi, *Al-Muwāfaqāt fī uṣūl al-sharī'ah*, ed. Abu Obaidah Al-Salmān (Saudi Arabia: Dār Ibn Affān, 1997), Vol. 2, 9; Abdul Karim Zeidan, *Al-madkhal lidirāsāt al-sharī'ah al-islāmīyah* (Beirut: Mu'assat al-Risālah, 1999), 34.

and protecting against that which will harm them.⁵ God, the Divine, uses several derivatives of the word *sharī'ah* when addressing His final messenger to creation, prophet Muhammad (pbuh),⁶ in the Qur'ān.⁷

Qur'ān etymologically means the recited one.⁸ Terminologically speaking, Qur'ān is defined as “the communication of God the Exalted, revealed to prophet Muhammad (pbuh), whose recital is considered worship to God.”⁹ Muslims believe that the Qur'ān is the word

⁵ Al-Shātibī, *Al-Muwāfaqāt fī uṣūl al-sharī'ah*, ed. Abu Obaidah Al-Salmān, Vol. 2, 18.

⁶ Muslims send peace and blessings by saying “peace be upon him” (pbuh).

⁷ One grammatical variation of the word *sharī'ah* is the word *sharī'ahtin*, meaning an ordained way: “Then we put you [O Muhammad], on an ordained way [*sharī'ahtin*] concerning the matter [of religion]; so follow it and do not follow the inclinations of those who do not know” (45:18). Even though a detailed Islamic code had not been in place when this verse was revealed, the verse refers to *sharī'ah* in a more comprehensive manner as belief in Islam, i.e. submitting to the way of God rather than worshiping idols and following whims. See Mohammad Kamali, *Shari'ah Law: An introduction* (Oxford: Oneworld Publications, 2008), 2. Within this same context of the word we find a similar verse: “He has ordained [*shara'a*] for you of religion what He enjoined upon Noah and that which We have revealed to you, [O Muhammad], and what We enjoined upon Abraham and Moses and Jesus, to [*sic*] establish the religion and not be divided therein” (42:13). This verse thus instructs prophet Muhammad (pbuh) to establish religion and the dogma of oneness of God (*tawhīd*) just like other prophets did. The Qur'ān acknowledges, however, that details of Divine laws revealed to certain prophets differ from each other: “To each of you We prescribed a law (*shir'a*) and a way of life (*minhāj*)” (5:48). These laws are the Scriptures (87:19), revealed to prophet Abraham (pbuh), the Torah (5:44), revealed to prophet Moses (pbuh), the Psalms (4:163), revealed to prophet David (pbuh), the Bible (4:46), revealed to prophet Jesus, and the Qur'ān (25:1), revealed to prophet Muhammad (pbuh). Each of these revelations clarified a *manhaj*, a clear way that the Divine has chosen for mankind. See Ibn Manzūr, (4:1 *Lisān Al-'Arab*, Vol. 14, 300. The Qur'ān is also prophet Muhammad's (pbuh) most significant miracle.

⁸ Ibn Manzūr, *Lisān Al-'Arab*, Vol. 11, 78; Adnan Zarzoor, *Al-madkhal ila al-qur'ān wa al-ḥadīth* (Beirut: Al-Maktab Al-Islāmi, 1999), 8. The word “Qur'ān” has been used in more than 43 places in the holy book such as in verses (17:9) and (27:6). Many other names are used to refer to the Qur'ān such as “the book” (*al-kitāb*), “the criterion” (*al-furqān*), and “guidance” (*hudá*). These names point to several important attributes of this holy book. It is memorized by Muslims and frequently recited by them: “the Qur'ān is distinct verses [preserved] within the breasts of those who have been given knowledge” (21:49), it is protected as a written document – besides being protected orally: “Indeed, it is We who sent down the Qur'ān and indeed, We will be its guardian” (15:9), it is the criterion which differentiates truth from falsehood: “Blessed is He who sent down the Criterion upon His Servant that he may be to the worlds a warner” (25:1), and it is guidance in and of itself: “And there has already come to them from their Lord guidance” (53:23). It is also considered to be prophet Muhammad's (pbuh) greatest miracle from God.

⁹ Adnan Zarzoor, *Al-madkhal ila al-qur'ān wa al-ḥadīth*, 52. Prior to being selected as a messenger of God, the prophet lived among his people for 40 years and was well known for his simplicity and probity:

he was nicknamed the truthful and trustworthy (*al-ṣādiq al-amīn*). Those who chose to disbelieve in the message of prophet Muhammad (pbuh) objected to the Qur'ān and asked him to alter its verses. But it was not for the prophet to do so, since he was tasked with relaying the message in its original form to humanity. Additionally, being an illiterate man, the prophet did not have the capacity to come up with verses that were as vivid or insightful as those revealed to him. The Arabs of Quraysh were gifted linguists and eloquent poets, and if anyone were to value the linguistics of the Qur'ān and recognize the difficulty of authoring something of its magnitude, they were the ones. Hence, they were defied to come up with a

contender to the Qur'ān but were unable to do so. The Qur'ānic verses relate these events: “And when Our verses are recited to them as clear evidences, those who do not expect the meeting with Us say, ‘Bring us a Qur'an other than this or change it.’ Say, [O Muhammad], ‘It is not for me to change it of God, and that its words and meanings were revealed to prophet Muhammad (pbuh) over a 23-year period.¹⁰ They therefore take it to be a holy book of guidance and legislation,¹¹ and see an obligation to ponder over it, deduce from it, and act upon it.¹²

Imām Al-Shāṭibi observes that *Sharī'ah* was revealed not only to illuminate a way for creation to glorify and worship their Creator, but also to stop people from aimlessly following their whims.¹³ In commenting on the concept of “worship,” Ibn Taimīyah (d. 728 ah¹⁴/1327 ce) states that it encompasses two aspects: first, abiding by *sharī'ah* with humility towards the Divine; second, doing so with a loving heart.¹⁵ Ibn Taimīyah identifies the realm of worship

as encompassing everything, whether said or performed, that pleases the Divine.¹⁶ This entails carrying out prescribed duties and staying clear of outlined prohibitions. He gives examples of acts of worship that extend beyond the main rituals. These include truthfulness, trustworthiness, being dutiful to one's parents, honoring covenants, being kind to neighbors, orphans, destitute people, wayfarers, and animals, as well as patience, gratitude, being content with God's decree, and dependence on the Divine.¹⁷ He adds that pursuing the means necessary for achieving God's obligations is an act of worship in itself. In essence, every act can be considered an act of worship as long as the individual's intention is to please the Divine and the act is in line with the teachings of prophet Muhammad (pbuh). For example, the brain can contemplate, the tongue can call to good and prevent evil, the heart can love and fear God, etc. Such a holistic understanding of worship is meant to develop a strong personal relationship between the individual and the Divine that holistically covers the different avenues of life.¹⁸

While *sharī'ah* offers guidance to creation to steer them in the direction of that which is beneficial and to protect them from what is detrimental, it is not meant to be burdensome.¹⁹

on my own accord. I only follow what is revealed to me. Indeed I fear, if I should disobey my Lord, the punishment of a tremendous Day. Say, ‘If Allah had willed, I would not have recited it to you, nor would He have made it known to you, for I had remained among you a lifetime before it. Then will you not reason?’” (10:15–16). Two key reasons why many from Quraysh objected to the prophet's monotheistic message were, firstly, they did not want to veer away from the beliefs of their fathers and forefathers and adopt a new message that their predecessors had not accepted. Secondly, they did not want to adhere to the guidelines and rituals revealed in the Qur'ān, as this meant altering their customary practices.

¹⁰ Adnan Zarzoor, *Al-madkhal ila al-qur'ān wa al-ḥadīth*, 55.

¹¹ M. A. S. Abdel Haleem, *The Qur'an: A New Translation* (New York: Oxford University Press, 2010), viiii; Zeidan, *Al-madkhal lidirāsāt al-sharī'ah al-islāmīyah*, 243.

¹² The verses read, “And this [Qur'an] is a Book We have revealed [which is] blessed, so follow it and fear Allāh that you may receive mercy” (6:155); “Indeed, We have revealed to you, [O Muhammad], the Book in truth so you may judge between the people by that which Allāh has shown you. And do not be for the deceitful an advocate” (4:105).

¹³ Ibrahim Al-Shāṭibi, *Al-Muwāfaqāt fī uṣūl al-sharī'ah*, ed. Abu Obaidah Al-Salmān, Vol. 2, 264.

¹⁴ *Anno Hegirae*. The Islamic Lunar Calendar starts on 622 Common Era (CE), the year prophet Muhammad (pbuh) and his followers emigrated from Makkah to Medina to escape persecution.

¹⁵ Taqqiyaldeen Ibn Taymīyah, *Al-iboodiyah*, ed. Muhammad Al-Shaweesh, 7th edn (Beirut: Al-Maktab Al-Islāmi, 2005), Vol. 1, 48.

¹⁶ Ibid., 44.

¹⁷ Ibid.

¹⁸ Yusuf Al-Qaradawi, *Madhkal lima'rifat al-islām*, 4th edn (Cairo: Maktabat Wahba, 2008), 64–67.

¹⁹Here is a sample of verses that support this claim: “Allah intend[s] for you ease and does not intend for you hardship” (2:186), “And Allah wants to lighten for you [your difficulties]; and mankind was created weak” (4:28), “Allah does not charge a soul except [with that within] its capacity” (2:286), and “God

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