

MLU-6.1: Deen and Shariah

Deen

The word “deen” (Arabic: دين) is a multifaceted term that has a range of meanings and implications depending on the context in which it is used. The Arabic term is often translated as “religion” or “faith.”

However, deen encompasses much more than just a belief system or set of practices.

The Arabic dictionary also defines deen as “judgment” or “law.” Another primary meaning of the word deen is “way.” It refers to the way that a person lives according to the teachings of their religion or belief system. This includes not only their spiritual practices but also their relationships with others, their moral values, and their actions in the world.

Deen is often used to describe the way that Muslims live their lives according to the teachings of Islam.

Deen in the Quran

The word deen دين appears many times in the Quran. Some scholars have translated deen in several places as faith. Others have used meanings referring to deen as a system and other times are translated with a sense of obedience, submission, and allegiance. It is important to note that the Quran also uses the word deen in the form of ad-deen and not deen only. The difference in meaning translates to “the way” rather than “a way.”

In the Quran, the term “Deen” (الدين) holds significant importance and encompasses a broad range of meanings related to religion, law, and way of life.

Deen in Arabic Literature

The famous classical Arabic dictionaries Al-Qamus al-Muheet and Lisan al-Arab state that there are four potential meanings of the term deen دين which derives from the root word دانف ,danaf (submit to). These meanings include subjugation, obedience (submission), ruling, and judgment (justice and accountability).

Allah (SWT) says in the Quran:

The “deen” (religion) before Allah (accepted by Allah) is Islam. (3:19)

The word "deen" is used in the Arabic language to give different meanings, most importantly:

1. Subjugation, Authority, and Ruling:

- a) Allah (SWT) subjugated people to obey him. Subjugated here is a literal translation of the word "deen".
- b) Allah (SWT) has authority over people. "Authority" here is another literal translation of the word "deen."

"Deen" includes the legal and ethical framework provided by Allah (SWT), governing social, moral, and religious aspects of life.

Allah (SWT) says in the Quran:

"And do not argue with the People of the Scripture except in the best way, except for those who commit injustice among them. And say, 'We believe in that which has been revealed to us and revealed to you. Our God and your God is one, and we are Muslims [submitters] to Him.'"
(29:46)

2. Obedience and Submission Due to Subjugation:

It denotes the submission to Allah's (SWT) will and obedience to His commands, reflecting the fundamental nature of Islam as a way of life in total submission to God.

Allah (SWT) says in the Quran:

"O you who have believed, enter into Islam (deen) in its entirety and do not follow the footsteps of Shaytan. Indeed, he is to you a clear enemy." (2:208)

"Say, O Prophet, 'My Lord has commanded uprightness and dedication (to Him alone) in worship, calling upon Him with sincere devotion. Just as He first brought you into being, you will be brought to life again.'" (7:29)

3. The Method and the Habit (Way of Life):

"Deen" often refers to the comprehensive way of life prescribed by Allah, including religious beliefs, practices, and ethical guidelines.

Allah (SWT) says in the Quran,

"And this was the legacy that Abraham left his sons and so did Jacob, 'O my sons, indeed Allah has selected for you this religion (deen), so do not die except as Muslims.'" (2:132):

“This day I have perfected for you your religion (deen) and completed My favor upon you and have approved for you Islam as your religion.” (5:3)

4. Punishment, Reward and Judgment:

"Deen" also signifies the concept of the Day of Judgment and the accountability of individuals before Allah (SWT) for their actions.

“Master of the Day of Judgment” (1:4)

"The Day that mankind will come forth in scattered groups that they may be shown their deeds. So whoever does an atom's weight of good will see it, and whoever does an atom's weight of evil will see it." (99:6-8)

These four linguistic meanings constitute the concept of the word "deen" in the Qur'an. Therefore, "deen" implies a comprehensive system of life that is composed of four parts:

- The rulership and the authority belong to Allah (SWT) only.
- The obedience and submission are to Allah (SWT).
- The comprehensive system (intellectual and practical) is established by this authority [Allah (SWT)].
- The reward given by this authority [Allah (SWT)] to those who followed the system and submitted to him and the punishment inflicted upon those who rebel against it and disobey it. Based on this definition of "deen", we can conclude that it is a submission, and worship by man for the creator, the ruler, and the subjugator in a comprehensive system of life with all its belief, intellectual, moral, and practical aspects.

After understanding this definition of the Arabic word "deen", we realize that it is not correct to translate it into English using the word "religion".

Definition of Shariah:

The meaning of Shariah

In literal meaning, Shariah signifies: "Wide, Lightened and Straight Path". In technical terms, it embodies the laws and orders ordained by Allah (SWT), through his Prophets. All Prophets came with one Deen but different Shari'ahs. Islamic shariah is the last and for all times to come.

As mentioned in the Quran:

“And unto thee have We revealed the scripture with the truth confirming whatever scripture was before it and a watcher over it so judge between them by that which Allah hath revealed and follow not their desire away from the truth which hath come unto thee”(5:48)

The Shariah is virtually synonymous, and can be used interchangeably, with the word deen, which can only inadequately be translated as "religion." Deen means "way of life," "submission," "following," or the "way."

Though the word Shariah in its various derived forms is found in five places in the Quran, its extensive use only came into approach much later, for the words Islam and deen were more commonly employed to express the same meaning in the early days of Islam.

The Shariah includes both faith and practice. It embraces worship, individual attitude, and conduct. It also includes social norms and laws, whether political, economic, familial, criminal, or civil.

Sometimes, it may also be used to imply, in a more restricted sense, do's and don'ts rules and regulations for conduct and behavior.

Lastly, it is also used as the equivalent of the Islamic laws. The Shariah is thus nothing less than the divinely ordained way of life for man. To realize the divine will, man must follow the Shariah. To live in Islam is to live according to the Shariah. Giving up Shariah or any part of it knowingly, willfully, or deliberately is tantamount to giving up Islam. A Muslim must therefore do his utmost to observe and to implement the whole of it, wherever and in whatever situation he finds himself. Hence the Muslim insistence, persistence, commitment, and passion for it.

Following are some definitions given by scholars.

Shariah is:

Scholarly opinions based on the Quran and Sunnah.

- Khurram Murad suggests that Deen and Shariah are synonymous. However, it is also equivalent to "Islamic Law"
- Khurram Murad suggests that Shariah is "eternal". Also, "equally valid for all circumstances."
- Qutb suggests that Shariah includes EVERY aspect of our lives.
- Qaradawi suggests Shariah is comprehensive; uses law interchangeably with Shariah; considers "eternal"
- Various sources suggest an equivalence between Shariah and Islamic Law.

Difference between Deen and Shariah

The following are the differences between Deen and Shariah.

- **Deen**

Many Prophets (AS) appeared to guide the people towards Allah (SWT) before the Prophet Muhammad (PBUH). For example, Hazrat Noah (AS), Hazrat Musa (AS), and Hazrat Esa (AS) had the same and single message to spread to ***Belief in One God, associate no partners with Him and follow the Messengers (AS)***. Hence, Deen remained the same for all humanity for centuries.

- **Shariah (Islamic Law)**

Shariah is based on the Quran and Sunnah. It's quite general and also known as the divine law. Shariah changed over time. For example, the sharia of Hazrat Noah (AS) and Hazrat Musa (AS) were quite different from the Shariah of Prophet Muhammad (PBUH) in many respects. A person can take revenge for anything he has suffered from another person in the Shariah of Islam, although forgiveness is more appreciable in Islam, whereas in the Shariah of Hazrat Musa (AS), taking revenge was highly recommended. Similarly, the Prophet Muhammad (PBUH) did not like the act of Hazrat Umar (RA) reading the pages of the Torah instead of the Quran. Prophet Muhammad (PBUH) said if Hazrat Musa (AS) were alive He would have to follow Islam instead of His shariah. Prophets (AS) were infallible and free from all kinds of sins. But in Israeliyaat, they have presented Prophets (AS) with very low repute. We cannot believe in them completely.

Function of Shariah

The focus of Islam is on the ,straight pathf (sharifah) according to the will of Allah (SWT). On this path, there is much in life that is encouraged and celebrated.

Some acts are forbidden but this is a relatively small number. Islam is a complete way of life involving religious law, family law, social law, general etiquette, and much more. The categories help Muslims in their daily lives by guiding as to acceptable moral and social behavior.

They were created in the second and third centuries by Muslim religious and legal scholars to support living the Muslim life.

There are 5 main categories of behavior.

1. Wajib or fard (obligatory)
 2. Mustahab (preferred, commendable)
 3. Mubah/Halal (permissible)
 4. Makruh (discouraged, reprehensible)
 5. Haram (absolutely forbidden)
- **Wajib or fard (obligatory):** Actions that are necessary to comply with. In applying this to Muslim life this involves the following areas: 5 pillars: kifayah – community obligations; halal food; personal hygiene must be of a very high standard. Doing the Fardh counts as a good deed, and not doing it is considered a bad deed or a sin. It is also called Wajib except for Imam Abu Hanifah who makes Wajib a separate category between the Fardh and the Mubah.

The Fardh or obligations are divided into two kinds: One is called Fardhu 'Ayn which means individual or personal duties that every Muslim is responsible to do. Each Muslim is responsible for their own prayers, almsgiving and fasting and are held individually accountable for the performance of these duties. Second: are those called Fardhu Kifaya, which means collective duties, such as attendance at funeral prayers, or commanding the good and forbidding evil. If some member of the community did this fard in a way that fulfills the goal,

then it is no longer obligatory on the rest of the community to do it, and they are absolved from this duty. Those who perform this duty are the ones who will be rewarded. If no one achieves this fard, then the whole community will be held accountable.

- **Mandob/Mustahabb (preferred, commendable):** actions that are recommended and seen as noble. This category is recommended for the Muslim to do such as extra prayers after Zuhr and Maghrib. Applying this to Muslim life involves the following areas: extra prayers: visiting friends and family: tidy room: correct funeral rites; performing Wudu before going to bed. Doing the Mandub counts as a good deed and not doing it does not count as a bad deed or a sin.
- **Mubah (permissible):** almost neutral actions. In applying this to Muslim life this involves the following areas: anything that is not in the other categories and covers freedom of personal choice and preference for things. For example: Consuming halal food and drinks is permissible as long as they do not involve anything haram. Activities such as playing sports or engaging in hobbies, as long as they don't conflict with Islamic teachings. Intention of the person can change Mubah to Fard, Mandub, Makruh, or Haram. Other things could also change the status of the Mubah. For example, any Mubah becomes Haram if it is proven harmful, and any necessary thing to fulfill a Fardh is a Fardh too.
Makruh (discouraged, reprehensible) This category is a detested and hated such as growing very long fingernails or sleeping on the stomach. Not doing the Makruh counts as a good deed and doing it does not count as a bad deed. In applying this to Muslim life this involves the following areas: urinating in stagnant water; sleeping late in the morning; certain rules during prayer e.g. cannot play with clothing or body, move head left or right or crack fingers; breathing into a beaker.
- **Haram (absolutely forbidden):** Things that under no circumstances are allowed. This category is prohibited for the Muslim to do such as stealing and lying. Doing the haram counts as a bad deed and not doing it counts as a good deed. Applying this to Muslim life involves the following areas: drinking alcohol; eating pork; killing innocents; adultery; shirk.

Imam Abu Hanifa also puts another category between makrooh and haram. It is called Karaha Tahrimia. Makruh Tahrimi is closer to the unlawful (haram). For example, Offering prayer while having a picture of some living things on clothes or in surroundings. Obligatory actions must be performed and when performed with good intentions are rewarded.

Legal Philosophy of Shariah

The man's greatest need is to know how to live his life to fulfill successfully the purpose of his creation; how to relate himself to his Creator, to his self, to his fellow human beings, and to everything around him.

To God alone, he must therefore turn to seek guidance. For there is no one apart from or beside Him who can truly provide answers to man's eternal questions or is capable of guiding him. All else can only be speculation and conjecture.

It was to provide for the greatest human need that God sent His prophets from amongst men of all ages and to all nations, bringing them the light of the divine guidance revealed to them. Among them were Hazrat Adam (AS), Hazrat Noah (AS), Hazrat Abraham (AS), Hazrat Moses (AS), and Hazrat Muhammad (PBUH) was the last of them, in no way different or new. And Prophet Muhammad (PBUH) is regarded as the last Prophet in Islam (Khatam al-Anbiya), which signifies that his teachings and the Shariah he (PBUH) established are final and universal. This completion is essential for Muslims, as it marks the culmination of divine guidance.

The Shariah of Prophet Muhammad (PBUH) provides a comprehensive guide for achieving happiness and success in life. By adhering to its teachings, individuals and communities can foster a just, compassionate, and harmonious society, ultimately leading to the well-being of humanity as a whole.

Necessities of Shariah (Maqasid al-Shariah)

The aim of Shariah, or Islamic law, is to establish a framework for a just and moral society that aligns with the principles of Islam. It seeks to promote the welfare of individuals and communities by ensuring justice, equality, and ethical conduct. Shariah encompasses guidelines for personal conduct, social interactions, and legal matters, emphasizing the importance of moral and ethical behavior in all aspects of life.

The primary objectives, known as the Maqasid al-Shariah, include the protection of faith, life, intellect, lineage, and property. By safeguarding these essential elements, Shariah aims to create a balanced society where individuals can thrive spiritually, socially, and economically. Additionally, Shariah encourages compassion, charity, and social responsibility, promoting a sense of community and mutual support among its followers. Ultimately, the aim of Shariah is not only to govern behavior but also to foster a deep connection with the divine and to enhance the overall well-being of humanity.

1. Preservation of Religion

Religion is the sum of beliefs, rituals, and rules commanded by God Almighty to regulate people's relationship to their Lord and relationships with each other. God Most High has intended through those provisions to establish religion and install it in the people's souls as they follow it. The reservation of religion is legitimated in many Shariah texts that call to faith encourage it and forbid infidelity.

Allah (SWT) says in the Quran:

“And whoever desires other than Islam as religion - never will it be accepted from him, and he, in the Hereafter, will be among the losers.” (3:85).

2. Preservation of Life (Nafs)

Islam has devoted a significant amount of texts and teachings to establishing the preservation of one's soul as the most fundamental principle of all. It is through life that

Mankind can maintain or preserve all of Almighty's provisions and principles. Therefore, Islam has not only protected the soul from being killed or wasted but also established a set of rules to ensure its welfare spiritually and humanly that is to secure survival needs such as food, marriage, shelter, drinks, and clothing as well as establishing rules that deny and forbid the all means of self's distractions.

As mentioned in the Quran:

“And do not kill the soul which Allah has forbid [to be killed] except by [legal] right. This has He instructed you that you may use reason.” (6:33)

3. Preservation of Intellect (Aql)

Allah (SWT) has commanded us to preserve our minds and has forbade all the means to disable them through the toxicities, and alcohols.

That is Allah (SWT) has granted and distinguished humans from all other creatures by the grace of the mind, which means the ability to distinguish and make choices, and solve the difficulties faced in life. Allah (SWT) has made humans, therefore, His successor on earth, and so they need to maintain their minds, which is the basis of the discourse of succession on earth. Numerous amounts of Islamic teachings exhort the realization of the mind, and its importance, and describe it as the altitude grace. Some of the Quranic texts that encourage humans to use their minds to contemplate upon the creation of Allah (SWT) and to understand their succession on earth are:

“Who remember Allah while standing or sitting or [lying] on their sides and give thought to the creation of the heavens and the earth, [saying], “Our Lord, You did not create this aimlessly; exalted are You [above such a thing]; then protect us from the punishment of the Fire.” (3:191)

Regarding forbidding what affects the mind or disables it, the intoxicants, Allah (SWT) says in the Quran:

“O you who have believed, indeed, intoxicants, gambling, [sacrificing on] stone alters [to other than Allah (SWT)], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful.” (5:90)

4. Preservation of Lineage (Nasl)

For the sake of persevering human offspring, Sharifah has legitimized marriage and reproduction, and for the sake of protecting it, Sharifah has forbidden adultery and assigned a legal punishment (had) for whoever commits it. Moreover, Sharifah also assigned a legal punishment for whoever lies about or renders someone guilty unjustly of committing it (had al-Qazf). This proves that maintaining the lineage is a necessity for the purity of offspring from any potential distortion or corruption by mixing it so one does not even know who are their parents or who are their children.

In the Quran we find the forbiddance of adultery is stated clearly and firmly, Allah (SWT) says:

"And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil in a way. (17:32).

Its punishment is stated in:

"The [unmarried] woman or [unmarried] man found guilty of sexual intercourse - lash each one of them with a hundred lashes, and do not be taken by pity for them in the religion of Allah (SWT), if you should believe in Allah (SWT) and the Last Day. And let a group of the believers witness their punishment." (24:23)

5. Preservation of Property (Mal)

Sharifah has commanded to preserve human wealth in the pursuit of earning a living and permitted transactions exchanges and trade. Sharifah also, for the sake of preserving wealth as well, forbade and placed punishments for theft, deception, treason, and consuming people's wealth unjustly, in addition to discouraging the squandering of money.

Money, as well as everything, belongs to Allah (SWT), who has granted humans the status of successors on earth, and so they are commanded to preserve such grace not to waste it.

Allah (SWT) says in Holy Qur'an:

"And do not consume one another's wealth unjustly or send it [in bribery] to the rulers so that [they might aid] you [to] consume a portion of the wealth of the people in sin, while you know [it is unlawful]." (2:188)

Sources of Shariah

There are two types of sources

a) Primary Sources

- ❖ Quran
- ❖ Sunnah

b) Secondary/Dependent Sources

- ❖ Ijma
- ❖ Qyas
- ❖ Ijtihad

a) Primary Sources

- ❖ Quran

Literal Meaning of Quran:

- ***“Qarafa”*** to collect or to compile
As mentioned in the Holy Quran:
“it is for us to collect & testify” (75:17)
- ***“qarfana”*** (union & conjunction)
As mentioned in the Holy Quran:
“This is the book, it is guidance sure, without a doubt” (2:2)
- ***“qirafathumf*** to read & recite
- ***“qirafin”*** plural of ***“qarina”*** (evidence, argument, symbol)

Characteristics of Quran

- **Preserved from Changes**

The Quran is considered the literal word of God by Muslims, believed to be perfectly preserved since its revelation over 1,400 years ago. Its text has remained unchanged, ensuring its authenticity and reliability. This preservation is often attributed to divine protection, as well as the efforts of early Muslims who memorized and recorded it meticulously.

- **A Miraculous Book**

The Quran is viewed as miraculous due to its linguistic beauty, depth of meaning, and its impact on individuals and societies. Its style is unique and inimitable, and many believe it contains knowledge and wisdom beyond its time, addressing both spiritual and practical aspects of life.

- **Explanation of the People and Nations of the Past**

The Quran contains numerous narratives about previous prophets, their communities, and historical events. These stories serve as lessons and warnings, illustrating moral and ethical teachings. They provide insights into human behavior, divine justice, and the consequences of actions, thus serving as a guide for present and future generations.

- **A Complete and Comprehensive Code**

The Quran is regarded as a complete code of life, encompassing spiritual, ethical, legal, and social guidelines. It addresses various aspects of human existence, including worship, morality, interpersonal relations, and justice. Muslims believe it provides a framework for a just society and a means to achieve personal and communal well-being. These elements underscore the Quran's significance as a foundational text in Islam, shaping the beliefs and practices of millions around the world.

The Quran as Source of Shariah

The Qur'an was revealed to the Prophet Muhammad (PBUH) gradually, over 23 years. The essence of its message is to establish the oneness of God and the spiritual and moral need of man for God. This need is fulfilled through worship and submission and has ultimate consequences in the Hereafter.

The Qur'an is the first and most important source of Islamic law. Believed to be the direct word of God as revealed to Prophet Muhammad (PBUH) through the angel Gabriel in Makkah and Medina, the scripture specifies the moral, philosophical, social, political, and economic basis on which a society should be constructed. The verses revealed in Mecca deal with philosophical and theological issues, whereas those revealed in Medina are concerned with socio-economic laws. The Qur'an was written and preserved during the life of Prophet Muhammad (PBUH), and compiled soon after his death.

The verses of the Qur'an are categorized into three fields: "science of speculative theology", "ethical principles" and "rules of human conduct". The third category is directly concerned with Islamic legal matters which contain about five hundred verses or one thirteenth of it. The task of interpreting the Qur'an has led to various opinions and judgments.

It is the book lying down the basic framework and outlines related to all kinds of laws. The regulations and legal orders and Laws are mainly referred to in Surah Al-Baqarah, Al-Nisa, Alfe Imran, Al-Maida, Al-Talaq, and Bani-Israil but it is not restricted to any specific part or Surah.

The Qur'an is the word of God. Because of its inimitable style and eloquence, and, above all, the guidance and legal provisions it came with, it ensures the worldly and next-worldly welfare of humanity.

Allah (SWT) said,

“Verily, this Qurfan guides to that which is best, and gives glad tidings to the believers who do good that theirs will be a great reward.” (Qurfan, 17: 9)

And,

“There has come unto you light from God and a clear Book, whereby God guides those who seek His good pleasure unto paths of peace. He brings them out of darkness unto light by His decree, and guides them unto a straight path.” (Qurfan, 5: 15)

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