Sharia Vs. Sharia Law

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Most people, including Muslims, don’t know that there is a difference between Sharia and Sharia law (fiqh) and whether it is man-made. Let’s first understand what Sharia and Sharia Law are, how it all came about and then the difference between Sharia and Sharia law.

The word “shari’a” means “way” or “path”. Sharia is a set of personal principles and ethics, that Muslims live there lives by. For example we should not eat harmful food, we should give Zakat and Sadaq, or charity and so on. Sharia is therefore “the watering hole that quenches your spiritual thirst”, not a formal legal system.

To understand how Sharia came about, it’s important to understand a little bit about history. Early Muslims followed the guidance of the Qur’an and the example of the Prophet Muhammad (PBUH). If they had a question, they could just ask him. After he died, people would ask their questions from the Prophet’s family and friends—people who had a good idea of what he might have answered. The Prophet’s friends and family would often tell stories about things the Prophet said or did, to help explain their answers. These stories are what came to be called Hadith.

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With the passage of time Prophet's friends and family—and everyone who knew him—started dying. People needed a way to figure out answers based on the Qur'an and Hadith. They started looking for patterns—"Did the Prophet (PBUH) always give the same kind of answer in similar situations?"—and principles—"Does the Qur'an tell us to be compassionate in many different situations?" These patterns and principles were put together into a system, along with specific rules in the Qur'an and Hadith, so people could figure out the answers to their questions. This is what came to be called Sharia.

Sharia was not revealed by Allah (God). It was created by honest and respectable people who interpreted the Qur'an and the words/actions of the Prophet Muhammad (PBUH). So it is based on how people perceived Allah. Or, more simply, the human interpretation of Sharia to make laws is called "Fiqh," or "Sharia law." It is created by scholars based on the interpretation of Qur'an and Hadith, and using the process of (that) and reasoning. Fiqh literally means "understanding"—and many different schools of thought illustrates that scholars knew they didn't speak for God. Even very religious, well-educated scholars could make mistakes, though. And often they disagreed with each other. That is why there are different Islamic schools of thought. These are called Mazahib (or Madhahib), plural for "Mazhab".

Later on in time, Muslims rulers wanted to make their laws Islamic. So they interpreted Sharia to help them do this. This resulted in what you can call Islamic laws, or Sharia law. It is more formally called "Fiqh." Islamic law can be described as human understanding of Sharia (which is an interpretation of Quan and Hadith) written into law as a way to govern and control the Muslim population. Or, more simply, the human interpretation of Sharia to make laws is called "Fiqh," or "Sharia law." It is created by scholars based on the interpretation of Qur'an and Hadith, and using the process of (that) and reasoning. Fiqh literally means "understanding"—and many different schools of thought illustrates that scholars knew they didn't speak for God. Even very religious, well-educated scholars could make mistakes, though. And often they disagreed with each other. That is why there are different Islamic schools of thought. These are called Mazahib (or Madhahib), plural for "Mazhab".

Мазахиб (или Мадхаби) — это школы мыслей. Эти школы известны как различия в исламе. Они основаны на тех же принципах, что и мудрость. Мечеть. Но здесь мы можем найти ответы на вопросы, которые появились в ходе времени. Профессора изучали Коран и Сунну, используя процесс (также и рациональный). Исламскую логику можно описать как человеческое понимание Шариата (которое — это интерпретация Корана и Сунны) в нриге, как законы. Изменяющиеся мудрость, которой учёные изучали, они не говорили за имя Аллаха. Если даже очень религиозные, образованные учёные, они делали ошибки. Они часто не согласывались друг с другом. Вот почему есть различные исламские школы мыслей. Эти школы называются Мазахибом (или Мадхаби), множественное от названия "Мазахиб".
We want to ask, if Sharia law is Allah’s law then why isn’t it the same in all Shia courts? And why did Shia law even change with the passage of time?

And therefore, if Sharia laws have changed, can Sharia law really be God’s immutable divine law? Definitely not. Neither Sharia, nor Sharia law (Fiqh) is God’s law. It is man’s interpretation. And man can err. Both Shari’ah and Sharia law should be open to discussion. Now, let us discuss the difference between Sharia and Sharia law and the reason it is important.

Sharia is not imposed on any unwilling person while Sharia law is imposed by religious authorities and governments. The main problem is, imposing Sharia law takes away the freedom that Allah has given to humans to hold and follow religious beliefs of their own. As the Qur’an says: “La ijraha id Deen” “There is no compulsion in the matter of faith.” Now you may ask how Sharia law attracts religious freedom and how the modern day form of Sharia law is contradicting basic principles of Islam.

Early Islamic societies were ruled by caliphs, or khulafa—such as the Khulafa-e-Rashidun (the “Rightly-Guided Caliphs”)—and later by kings and emperors. These rulers mixed Islamic ideas with rules that were already in place or that had been the common practice. These early Muslim empires did not have what we now call “law”, with the government making laws that apply to all people and enforcing the laws everywhere in the same way. In those times, communities of Muslims applied Sharia in their own informal ways. And non-Muslims and other sects of Muslims had the right to conduct their affairs according to their own religious beliefs. When different people have different religious beliefs, how could a country enforce a specific set of beliefs on all by enforcing those beliefs through laws which were applicable to all whether they are Hindus, Sunnis, Shia, Christian, etc. For example, the Hudson Ooodaction in Pakistan, which is based on one interpretation of Sharia and is applied to all Muslims and non-Muslims alike.

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SO WHAT WE CAN SEE IS THAT EARLY ISLAMIC SOCIETIES WHERE NOT GOVERNED BY SHARIA LAW i.e., THEY DID NOT MAKE SHARIA THE STATE LAW WHICH TO BE ENFORCED ON ALL TYPES OF CITIZENS. SIMILARLY, WAS SHARIA USED AS LAW AT THE TIME OF THE PROPHET MUHAMMAD (PBUH)? No. During the life of the Prophet Muhammad (PBUH) and for a hundred and fifty years after he died, the Sharia did not exist the way we think of it today. People did not treat Sharia as a system of laws. There can be some confusion about this, so let us clear up this point:

Yes, The Holy Prophet (PBUH) had given punishments according to set of rules which are already established by a certain system. And by “certain system”, what is meant was the systems of Islam, Judaism, Christianity, or the traditional tribal laws. This meant that The Holy Prophet (PBUH) first asked what system a person willingly followed and then gave him or her punishment according to the rules of that system. He had not made “Sharia law” to be applied to all—until what is happening now in some Islamic countries. The Holy Prophet (PBUH) gave punishments according to the Quran only to those people who had willing and rationally concluded that they want to follow Islamic beliefs.

SO YOU ALREADY KNOW THE ANSWER; DID PROPHET EVER ENFORCED HIS BELIEVES ON OTHERS AND GIVE THEM PUNISHMENTS?
No. This is against the teachings of the Quran. The Holy Prophet never enforced Islamic rules on non-Muslims in the State of Madinah. So why are we putting Sharia into state law and enforcing it on all? For example, there are Shia, Wahabi, Ahmadi, Atheist, Christians, Progressive Muslims, Hinduists and many other groups in countries like Pakistan and Afghanistan etc. but many activities are criminalized for all. The same religious beliefs are enforced on all. Is why? Is it so?

Now the conclusion and why all this is important.

میں فرق شریعی اور شریعی قانون

To my dear friends, the judgment of the Holy Prophet (PBUH) on matters of matters of punishment is a guide for Muslims. He had given punishments according to the teachings of the Quran. The Holy Prophet (PBUH) had given punishments according to the teachings of the Quran only to those people who had willing and rationally concluded that they want to follow Islamic beliefs.

My dear friends, accept the teachings of the Holy Prophet (PBUH) and for a hundred and fifty years after he died, the Sharia did not exist the way we think of it today. People did not treat Sharia as a system of laws. There can be some confusion about this, so let us clear up this point:

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We are discussing all this so that all those people who wonder why Islam is so repressive today can see that it is not Islam that is repressive, but a man-made interpretation that has that character. It is an interpretation that is influenced by toxic patriarchy, out-of-date culture, and backward-minded extremist outlooks. One interesting thing to note is that the percentage of women included in the making of the Sharia law being implemented today is approximately negligible. Whenever we have doubts or confusion, we should be doing some critical thinking. Aahir tells us many times in the Qur’an to do exactly that.

A good example of how sharia has changed from the modern world.

Lab the present forms of extremism.

We can see that:
- Sharia and Sharia law are man-made interpretations of Islam.
- Both Sharia and Sharia law can be changed.
- There is a serious need to change the present forms of Sharia and Sharia law—not least to get rid of extremism and a lack of ability to deal with the modern world.

A summary of the discussion above:

1. One good example of how Sharia has changed is that in 1998 the Taliban ruled that TV, videos, and other similar technologies are banned.
2. They claimed that this law is based on Sharia law. But now that they are back in power in 2021, it seems that their Sharia law has CHANGED. Apparently, Aahir has given them permission to use TV, videos, and those other technologies and they are giving interviews and disseminating their propaganda using them.
3. Their Sharia law, their ISLAM has CHANGED.

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MPV Urdu is an international organization, not restricted to a specific country. We are just trying to eradicate extremism, patriarchy, oppression and hate in the name of Islam. We are trying to bring back the humane and peaceful Islam, for a meaningful and purposeful life. It is not our intention to hurt anyone's feelings but to instigate critical thinking. We respect everyone's faith and everyone's right to express them, as long as they don't promote hate or violence. We also have our God-given right to express our beliefs, and have no intentions of prejudice, judgement or enforcing on others. We acknowledge that as human beings we can be wrong, and we are always open to discussion based on sincerity, or “ikhlas”.

If you find any error, you are welcome to contact us.