

Lesson 24: More About The Sharī‘a

The purpose of human life in this world is to successfully go through the trials and tribulations in order to achieve salvation in the hereafter. In the hereafter, life will have no end. God did not leave us without any means of guidance.

He sent prophets, messengers and books to guide mankind towards the right path. The last prophet and messenger was the Prophet of Islam, and the final revelation was the Qur'an. Islam is the ultimate means of guidance for mankind through the tests and trials of this world. The Prophet was sent “to convey the revelation; to purify spiritually and to teach the Qur'an and wisdom.”

Islam seeks to guide its followers by the legal system known as “sharī‘a”. No aspect of our life is outside the jurisdiction of the sharī‘a: legal and moral, personal and social, economic and politics, all issues are directly or indirectly covered by the sharī‘a.

In this lesson you will learn more about the Islamic laws from different perspectives.

1. The Roots & Branches of Religion

To differentiate between the matters of belief and the laws of sharī‘a, the Shi‘a scholars have coined two interesting terms: The matter of beliefs (monotheism, justice of God, prophethood, imāmat and resurrection) are described as “the Roots of Religion — *Usūl ad-Dīn*” because they form the foundation of our faith. The Shi‘a scholars have also coined the term “the Branches of Religion — *Furū‘ ad-Dīn*” for the sharī‘a laws.

These terminologies actually reflect the connection between “belief” and “practice”. If the roots are strong, they will generate healthy branches, green leaves, colourful flowers and delicious fruits; but if the roots are weak, the tree will be considered useless. Similarly, if a Muslim’s beliefs are strong, then it should show in the practical life of that person. A non-practicing Muslim betrays the weakness in his religious roots which are in need of further nurturing through intellectual stimulation and spiritual guidance.

The items normally listed as “the Branches of Religion” are as follows:

1. Prayers (*salat*).
2. Fasting in Ramadhan (*sawm*).
3. Pilgrimage to Mecca (*hajj*).
4. Tax on Wealth (*zakat*).
5. Tax on Money (*khums*).
6. Spiritual as well as Physical Struggle for sake of Allah (*jihad*).
7. Promoting good in the family and society (*amr bil ma`ruf*).
8. Preventing evil in the family and society (*nahi `anil munkar*).
9. Loving and following the Prophet & his family (*tawalla*).
10. Disassociating from the enemies of the Prophet & his family (*tabarra*).

These ten teachings reflect the main framework of the Islamic shar‘a; otherwise, the entire corpus of Islamic shar‘a falls under the term ‘branches of religion’.

2. The Classification of Shar‘a Laws

All the issues covered by the shar‘a are traditionally classified into four main groups. The classification was put in the final form by one of the great Shi‘a mujtahids of the 7th Islamic century, al-Muhaqqiq al-Hilli (d. 676 AH). His famous work of jurisprudence, *Shar‘ya’u l-Islam*, is still one of the main reference books for the scholars of Islamic laws. Al-Muhaqqiq al-Hilli classified the laws into the following groups:

1. *‘Ibadat* — *the Acts of Worship* like prayers, fasting, hajj, etc.
2. *‘Uqud* — *Mutual Contracts* like business transaction, partnership, trusts, power of attorney issues, and marriage.
3. *Iyqa’at* — *Unilateral Instigations* like divorce, confessions in legal matters, vows, etc.
4. *Ahkam* — *Miscellaneous*: anything which does not fit in the three groups above like rules of eating and drinking, agriculture, arbitration, testimony, etc.

Here I would like to present a modern classification of shar‘a issues done by the late Sayyid Muhammad Baqir as-Sadr. Ayatullah as-Sadr of Najaf was a rising star among the new generation of mujtahids; unfortunately the Shi‘a world was deprived of his knowledge and leadership when he was

tortured and killed by Saddam's regime in 1981. Sadr also divides the sharī'a laws into four groups but his classification makes the issues more clear for the modern man unused to classical texts.

1. *ʿIbādāt* — *the Acts of Worship* like prayers, fasting and hajj.

2. *Financial Laws*:

a. On Social Level: issues like Islamic taxes of various kinds.

b. On Individual Level:

i. the laws pertaining to the means of possessions.

ii. the laws pertaining to the utilization of one's possessions.

3. *Personal Laws*: issues like marriage and divorce, eating and drinking, vows and oaths, hunting and slaughtering, bidding good and forbidding evil, etc.

4. *Social Laws*: issues like the political system, judiciary, penal code, jihad, etc.

3. The Five Types of Decrees

All Islamic injunctions fall within the five main categories of laws: *wājib*, *mustahab*, *jāʿiz*, *makrūh*, and *harām*. There are other sub-divisions within these five decrees.

1. *Wājib*: means obligatory, necessary, incumbent. An act which must be performed. One will be punished for neglecting a *wājib* act, e.g., the daily prayers.

Ihtiyāt wājib: Sometimes you might see the term “*ihṭiyāt wājib*” in the decrees of the mujtahids. It means “precautionarily obligatory” and its significance is the same as that of the *wājib* with one difference: wherever the mujtahid says that “it is precautionarily obligatory,” you have the option of leaving his opinion in that particular problem and following the opinion of the second best mujtahid provided the second mujtahid has a different opinion.

Wājib is also divided into two: *ʿayni* and *kifʿī*:

Wājib ʿayni means an obligation which is imposed on individual Muslims, e.g., the daily prayers. No one can do this duty for someone else.

Whereas *wājib kifʿī* means an obligation which is imposed on the Muslim community as a whole; and if it is fulfilled by one or more individuals, then the rest of the community is no longer required to do that. For example, a dead Muslim must be buried in the proper Islamic way. This is a duty imposed on the Muslim community collectively; if some people do that, then others are not responsible; but if no one does that, then the entire community is answerable to God.

2. *Mustahab*, also known as *sunnat*, means recommended, desirable, better. It refers to the acts which are recommended but not wajib. If one neglects them, he will not be punished; however, if one performs them, he will be rewarded.

3. *Jā'iz* means permitted, allowed, lawful. An act which is permitted and lawful; there is no reward for performing it nor any punishment for neglecting it, e.g., drinking tea.

Halāl & *Mubāḥ*: There are other words which reflect the same meaning as *jā'iz* but with a different connotation: "*Halāl*" also means permissible acts or things, but it is used mostly for permissible things rather than actions. For example, the term "*halāl* meat" is used for the meat whose consumption is permissible in Islam. Similarly, "*mubāḥ*" means permissible, but it is exclusively used for things which are lawfully yours or under your control as opposed to "*ghasbi* — usurped".

4. *Makrūh* means reprehensible, disliked, discouraged. An act which is disliked by Islam but not haram. If one does a *makrūh* act, he will not be punished; however, if he refrains from it, then he will be rewarded.

5. *Harām* means forbidden, prohibited. An act from which one must abstain. If someone performs a haram act, he will be punished either by the Islamic court or in the hereafter or both.

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This lesson has been written by Sayyid M. Rizvi.

Some parts have been adopted from his *An Introduction to the Islamic Sharā'a*.

Question Paper on Lesson 24

Question 1: [20 points]

Fill in the blanks by writing appropriate terms of the shari'ah:

- (a) *Salāt* is a *wājib* _____ act.
- (b) Drinking alcohol is a _____ act.
- (c) _____ means a recommended act in Islam.
- (d) A usurped property is known as _____ .
- (e) Drinking tea is _____ .
- (f) _____ means something that is lawfully yours.
- (g) *Sunnat* act is also known as _____ .
- (h) Permissible acts and things are known as _____ .

(i) A duty imposed upon the entire community is known as _____ .

(j) _____ means precautionarily obligatory.

Question 2: [10 points]

True or False:

- (a) Shari`ah only deals with spiritual training.
- (b) The book “Sharḥ al-ʿUḍḍiyya” was written by al-Muhaqqiq al-Hilli.
- (c) ‘Uqūd means the acts of worship.
- (d) Furū‘ ad-Dīn means the Roots of Religion.
- (e) Ayatullah S. M. Bāqir as-Sadr lived in Najaf, Iraq.

Question 3: [20 points]

Explain in your own words the relationship between “beliefs” and “laws”.

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