

Misconceptions about Islam, Part 6

One of the major mis-conceptions about Islam is the term “Sharia Law,” as often portrayed by mainstream media. Many misunderstandings are associated with this term, which does not accurately reflect the true nature of Shariah.

If I were to tell you that the Jury Trial System in U.S. law has roots in Islamic Shariah, would you believe me? The concept of a jury trial is derived from the idea of “Lafeef” (a group or gathering), as explained in the Maliki school of Islamic jurisprudence (Fiqh). This is part of Shariah as interpreted by the scholar Malik. You can see more about this concept in this video: www.youtube.com/watch?v=Y6g-Ci1mgO50 (captions in Arabic). I was surprised to learn this myself!

Shariah is an integral part of Islam. It is often defined as “Islamic law,” which leads many to assume it primarily consists of criminal rulings and penalties. However, Shariah encompasses far more than this conventional understanding. While it does provide a legal framework for the foundation and functioning of society, Shariah also details moral, ethical, social and political codes of conduct for Muslims, guiding their behavior on both individual and collective levels.

The essence of Shariah is characterized by mercy and compassion. Its primary purpose is to help individuals and communities es-

tablish a relationship with God and one another. The rules and regulations within Shariah are designed to benefit and protect all members of society. God emphasizes justice in the Quran, stating, “O you who believe! Stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin...” [Quran 4:135].

Shariah is an Arabic word that literally means “a vast road leading to water.” It also signifies a clear, straight path, as highlighted in the Quranic verse: “Then We put you, [O Muhammad], on a straight way concerning the matter [of religion]; so follow it and do not follow the inclinations of those who do not know” [Quran 45:18]. Therefore, Shariah serves as practical guidance for Muslims, encompassing all aspects of life. It is rooted in the divine teachings of Islam, and its collective aim is to facilitate justice and benefit for humanity in both this life and the hereafter.

Shariah is derived from the scholarly study of Islamic texts, primarily the Quran and the teachings of Prophet Muhammad (pbuh). Scholars interpret these texts and derive specific rulings through human effort and interpretation, considering the surrounding context. This process relies on scholarly consensus, legal analogy and interpretive reasoning. Consequently, there are areas of Shariah where



Guest Column

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scholars unanimously agree due to clearly defined evidence, and other areas where disagreements exist. This flexibility allows Shariah to remain applicable and relevant amidst changing social, cultural and historical circumstances while staying true to the guiding principles of Islam.

Many people mistakenly believe that Shariah forces Muslims in America to reject the U.S. Constitution or that American Muslims want to replace the Constitution with Shariah. In reality, this is not true. Shariah instructs Muslims to follow the law of the land they reside in, as long as they are not forced to commit an irreligious act or prevented from fulfilling their religious duties. Fortunately, this is not an issue in the U.S., as the Constitution protects freedom of religion. The U.S. Constitution, which guarantees rights to freedom of speech and expression, is something I vigorously defend.

Shariah preserves basic human rights to maintain harmony in society. These protections apply to all members of society, regardless of their race, religion, or ethnicity. The rights safeguarded by Shariah

include faith, life, progeny, property and intellect. These fundamental protections ensure freedom of religion, affirm the sanctity of life, validate the importance of family, guarantee the security of assets and uphold the power of reasoning.

As with any liberties, certain provisions in Shariah open avenues for advancement whereas some are designed to keep people from stepping over the rights of others. Shariah encourages work and trade so that individuals can earn a living. Similarly, Shariah urges the pursuit of knowledge and education to ensure the intellectual growth and development of people. On the other hand, theft is punishable because it threatens the inherent right of property. In addition, adultery and alcohol consumption are prohibited because the former violates the sanctity of the family unit and the latter has the potential to impair one’s intellectual capacity, leading to the abuse of other people’s rights.

After securing these necessities, Shariah supplements them by removing hardships. God states in the Quran, “God wants ease for you, not hardship.” [Quran 2:185] He also says, “And He has imposed no difficulties on you in religion.” [Quran 22: 78] The permissibility of hunting for food and profit sharing, for instance, are concessions that facilitate human life. Likewise, the prohibition of exploitative

or doubtful contracts prevents harm.

Furthermore, God assures, “if one is forced by necessity, without willful disobedience, nor transgressing due limits, then he is guiltless, for Allah is Oft-forgiving, Most Merciful.” [Quran 2: 173] This has given rise to the Islamic legal principle, “Necessities make the prohibited permissible.” For instance, fasting during Ramadan is obligatory. Yet, if someone cannot fast due to a medical reason, they may skip the fasts in that month and compensate for them through alternatives outlined in Shariah.

Shariah is much more than “Islamic law” because it is not limited to legal issues. While it covers areas of contracts, family law and international relations, it also includes a social system that encourages the just and generous treatment of neighbors, the preservation of the environment and caring for the poor and oppressed, along with personal acts of worship such as prayer, fasting and charity. Shariah contains a detailed code of conduct.

The U.S. Constitution and Shariah have much in common. The Constitution begins with, “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our

Posterity, do ordain and establish this Constitution of the United States of America.” These stipulations are very similar to the objectives of Shariah. In addition, Shariah is comparable to the laws of other religious communities, such as Jewish customs regarding dietary restrictions, aspects of ritual purity, and a detailed code of conduct.

The aspects of Shariah related to a Muslim’s ability to practice Islam, such as prayer, fasting and charity, do not conflict with Common Law. However, differences do arise in some matters. For instance, the laws of inheritance in Shariah are distinct from those in Common Law. In this case, Muslims have utilized means provided by the Common Law, such as writing wills following Shariah, to be faithful to their religion while following the law of the land.

When a Muslim lives in the U.S., they are doing so while agreeing to follow the law of the land and this agreement is binding upon them according to Shariah. In the Quran, God commands Muslims to fulfill their covenants: “O you who have believed, fulfill [all] contracts.” [Quran 5: 1] God also commands Muslims, “Fulfill your agreement with them to the end of their term. God loves those who are mindful of Him.” [Quran 9: 4]

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Icon controversy sparks debate over Indigenous Catholic faith practices

MESCALERO, New Mexico — Anne Marie Brillante never imagined she would have to choose between being Apache and being Catholic.

To her, and many others in the Mescalero Apache tribe in New Mexico who are members of St. Joseph Apache Mission, their Indigenous culture had always been intertwined with faith. Both are sacred.

“Hearing we had to choose, that was a shock,” said a tear-

ful Brillante, a member of the mission’s parish council.

The focus of this tense, unresolved episode is the 8-foot Apache Christ painting. For this close-knit community, it is a revered icon created by Franciscan friar Robert Lentz in 1989. It depicts Christ as a Mescalero medicine man, and has hung behind the church’s altar for 35 years under a crucifix as a reminder of the holy union of their culture and

faith.

On June 26, the church’s then-priest, Peter Chudy Sixtus Simeon-Aguinam, removed the icon and a smaller painting depicting a sacred Indigenous dancer. Also taken were ceramic chalices and baskets given by the Pueblo community for use during the Eucharist.

Brillante said the priest took them away while the region was reeling from wildfires that claimed two lives and burned

more than 1,000 homes.

The Diocese of Las Cruces, which oversees the mission, did not respond to several emails, phone calls and an in-person visit by The Associated Press.

Parishioners, shocked to see the blank wall behind the altar when they arrived for Catechism class, initially believed the art objects had been stolen. But Brillante was informed by a diocesan official that the icon’s removal occurred under the

authority of Bishop Peter Bal-dacchino and in the presence of a diocesan risk manager.

The diocese has returned the icons and other objects after the community’s outrage was covered by various media outlets, and the bishop replaced Simeon-Aguinam with another priest. But Brillante and others say it’s insufficient to heal the spiritual abuse they have endured.

-AP

Worship at the church of your choice this week

“He himself bore our sins” in his body on the cross, so that we might die to sins and live for righteousness; “by his wounds you have been healed.”



1 Peter 2:24

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Phone: 408-372-2411
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616 N. Washington St.
Friday (Weekly) Prayers
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