

REFLECTIONS ON ANTI-SHARĪ'AH PRACTICES AMONG MUSLIMS

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ABSTRACT

Islam as a way of life guides mankind on how to be true Khalīfah (vicegerent) of Allah on earth, by providing all instructions needed to weather the storm of all impediments associated with life on this planet, so as to be successful in this world and the next. As the Sharī'ah elucidates criteria for success here and in the hereafter, humankind is always tempted by the Shayṭān (Devil) to do the contrary in order to deprive him of the endless bliss of paradise. This paper attempts at unveiling some of the unwholesome activities frowned on by the Sharī'ah, which are rampant among Muslims, who are described by Allah (SWT) as the best of mankind. 'Charity begins at home,' as a popular saying goes. The reason why the paper focuses on the Muslims alone is that if the set of people expected to be torchbearers are themselves found wanting, what will be the fate of the entire human race? The paper therefore tries to draw attention to some of the activities that may result in punishment by the Almighty, which at the same time militate against effectiveness of darwah activities, which also revolve around misinterpretation and misapplication of the divine instructions contained in the Sharī'ah. Building on information

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in the literature, the paper also relies on personal experiences and observations of the author in Nigeria. In conclusion, the paper calls on believers to ensure that their actions match their words so as to be good examples for others to emulate, thus portraying Islam in a good image to the outside world.

Keywords: *Sharī'ah, Islam, Muslims, non-Muslims, da'wah*

INTRODUCTION

Like any other phenomenon in human existence, Islam faces numerous challenges within and outside the confines of its specific domain. These make it difficult if not impossible for truth-seekers to have accurate and genuine information at their disposal, thus discouraging individuals from further investigations, and therefore allowing them to cling to assumptions and unconfirmed information. The major sources of information nowadays, the media and the Internet, tend to disseminate distorted information about Islam and Muslims, thus misguiding and misinforming their audience. It is now left for Muslims to take their destiny in the own hands by exploring the same channels to counter the disgusting things being said about Muslims and their religion. *Alḥamdulillah*, Muslims have taken proactive steps in that direct which have started to yield positive results. However, what is left to be done is to practically prove the inaccuracy and bias of information and insinuations about Islam and its adherents by living and abiding by the teachings of the *Sharī'ah* at all times, so as to balance between the ongoing efforts in correcting the public perception of what Islam is all about and what it manifests in the personality of the Muslims.

This paper seeks to illuminate some practices that are not condoned by the *Sharī'ah*, but found among Muslims, looking especially at examples familiar to the author from Nigeria. It also seeks to serve as a form of discourse to remind readers of their duty, as Allah says:

وَذَكِّرْ فَإِنَّ الذِّكْرَى تَنْفَعُ الْمُؤْمِنِينَ ﴿٥٥﴾

“And remind, for verily, the reminding profits the believer.”

(Al-Ḍhāriyāt, 51:55)

CONCEPT OF THE *SHARĪ'AH*

Sharī'ah literally means the path or the way to be followed. Technically, it is regarded as the divine instructions revealed from the Almighty Creator to mankind, which are to be adhered to with sincerity and rapt consciousness.¹ The term is derived from an Arabic word; *Sharī'ah*, which means to make laws. Allah the Most High says in the Glorious Qur'an:

شَرَعَ لَكُمْ مِنَ الدِّينِ مَا وَصَّىٰ بِهِ نُوحًا

“He (Allah) has ordained for you the same religion (law) which He ordained for Nuh ...”

(Al-Shūrā, 42:13)

Arabic speakers from generation to generation also use the term for any laws, whether man-made or divine. In order to differentiate between the divine and man-made laws, scholars have turned to the use of the word *qānūn*, which is also synonymous with *Sharī'ah* for man-made laws, while *Sharī'ah* was retained for divine laws in order to maintain the Qur'anic expression with regards to divine laws.²

Sources of the *Sharī'ah*

Like any other laws that have sources they originated from, the *Sharī'ah* (Islamic law) has its own origin which is the authentic basis of its existence. In other words, Islamic law is derived from two major streams of tradition, namely primary and secondary sources.

Primary Sources of the *Sharī'ah*

These include the Qur'an and Sunnah. The Qur'an is the divine Book of Islam, which is regarded as its constitution, revealed to the last Prophet, Muhammad SAW in Arabic language through the Angel Jibril. Unlike other heavenly

¹ Doi, A. R. I. (1984), *Sharī'ah: The Islamic Law*, London: Ta-ha Publishers Ltd., p. 2. See also: Laldin, N. A. (2006), *Introduction to Sharī'ah and Islamic Jurisprudence*, Kuala Lumpur: CERT Publications Sdn. Bhd., pp. 2-3.

² Doi (1984), *op.cit.*, p. 2.

revealed books, which were revealed at once, its revelation was piecemeal, extending over a period of about 23 years. Its style and construction are miraculously inimitable. Allah the Most High says:

قُلْ لِّئِنِ اجْتَمَعَتِ الْإِنْسُ وَالْجِنُّ عَلَىٰ أَنْ يَأْتُوا بِمِثْلِ هَذَا الْقُرْآنِ لَا يَأْتُونَ
بِمِثْلِهِ وَلَوْ كَانَ بَعْضُهُمْ لِبَعْضٍ ظَهِيرًا ﴿٨٨﴾

“Say: If mankind and the jinn were together to produce the like of this Qur’an, they could not produce the like thereof, even if they helped one another.”

(Al-Isrā, 17:88)

Its recitation is a form of ‘*ibādah* (worship), compiled in a book form, and divided into 114 *Surahs* (chapters).³ On the other hand, the *Sunnah*, which is regarded as the second arm of the primary sources of the *Shari’ah*, is defined as the sayings, deeds and silent (tacit) approvals of the Prophet SAW⁴ In other words, the *Sunnah* is the practical implementation of the teachings and lifestyle of Prophet Muhammad SAW, which also complements and interprets the Qur’an. This has been pointed out by Allah Himself in the Glorious Qur’an:

“... And We have also sent down unto you (O Muḥammad SAW) the Dhikr (reminder and advice) that you may explain clearly to men what is sent down to them, and that they may give thought.”

(Al-Naḥl, 16:44)

Allah the Most High says that nothing was left out unattended to in the Glorious Qur’an;

مَا فَرَطْنَا فِي الْكِتَابِ مِنْ شَيْءٍ

“... We have neglected nothing in the Book ...”

(Al-An’ām, 6:38)

³ *Ibid.*, p. 21

⁴ *Ibid.*, p. 45.

However, some issues were discussed in broad terms in the Qur'an, which make them difficult to be properly understood. But with the assistance of the Sunnah, issues like the number of *raka'āt* to be observed in *ṣalāt*, detail guidance on *ṣawm*, *zakāt*, *ḥajj*, etc, were properly comprehended.

Secondary Sources of the *Sharī'ah*

These include *al-Ijmā'* (the Consensus of Scholars' Opinions), *al-Qiyās* (Analogical Deductions), *al-Ijtihād*, *Istiṣlāḥ*, (Public Interest), *Istiṣḥāb* (Legal Presumption), etc. All these came into being in order to make things easy for mankind. As earlier stated, the Qur'an touches on so many issues in broad terms; likewise, the Prophet SAW also explains some things and passed judgement on issues and happenings during his lifetime. Nonetheless, not every issue in human endeavour was covered during the Prophet's era. In order to remove any stagnation that might have occurred as a result of dealing with issues 'not covered' in the Qur'an and Sunnah, Islam allows scholars of reputable character with adequate knowledge to deduce judgement on contemporary issues, using their knowledge of the Qur'an and Sunnah to arrive at a position not contradicting the primary sources of the *Sharī'ah*.⁵

Aims and Objectives of the *Sharī'ah*

The primary aim of the *Sharī'ah* is to regulate man's relationship with his Creator and his fellow man so that he can successfully shoulder the great responsibilities entrusted to him by Almighty Allah. This broad aim can be broken into the following objectives:

1. Preservation of the Divine Religion: Since the sole purpose of man's existence on earth is to worship the God Almighty, promulgation of divine directives in that direction becomes essential so that he can successfully maintain cordial relationship with his Creator.
2. Preservation of Soul: As a way of guiding man on how to execute his obligations of maintaining smooth coexistence on earth, the *Sharī'ah* legal system extensively warned against any act that can lead to bloodshed unlawfully.
3. Preservation of Honour: *Sharī'ah* holds human dignity in a very high esteem. Consequently, it made it unlawful to treat anyone with indignity or indulging in any act amounting to a crime against humanity.

⁵ *Ibid*, pp. 64-80.

4. Preservation of Wealth: Protection of personal property is also a key issue for the *Sharī'ah*, and consequently it imposes stiffer penalties on theft.
5. Preservation of Progeny: The *Sharī'ah* also pays special attention to the reproduction of man and the maintenance of the human race. This underscores the importance of the responsibility of being God's vicegerent on earth, a duty placed on man.⁶

THE DEFINITION OF ANTI-SHARĪ'AH

It is necessary to explain what is meant by anti-*Sharī'ah*. 'Anti' is to oppose or to disagree with someone or something.⁷ When I say anti-*Sharī'ah* practices, I mean those activities and relationships that are against or oppose the teachings of the *Sharī'ah*. In other words, those practices that defy the fundamental instruction and regulations of the *Sharī'ah*.

Anti-*Sharī'ah* Practices Among Muslims

After knowing the meaning of the *Sharī'ah* and what it represents, it is really unfortunate to see some Muslims engaging in activities that are strongly condemned by the *Sharī'ah*, thus presenting a distorted image of Islam to the outside world, and giving a misleading impression about the entire *Ummah*. Such negative representation causes many, especially non-Muslims, to jump to erroneous conclusion and assume that this is Islam. I would like to mention some of those practices frowned on by the *Sharī'ah* and prevalent among us today.

- Racial Discrimination

It is disheartening to note that despite the strong condemnation of racism and all sorts of discrimination, some Muslims are caught in the web of this hideous attitude. Allah the Most High says:

⁶ Al-Qaraḍāwī (1985), *Non Muslims in the Islamic Society*, Indianapolis: American Trust Publications, pp. 3-10.

⁷ Summers, D. (1995), *Longman Dictionary of Contemporary English*, Harlow: Longman Group, edition, p. 47.

يَتَأَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقَىٰكُمْ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ ﴿١٣﴾

“O mankind! We have created you from a male and a female, and made you into nations and tribes that you may know one another, verily, the most honourable of you with Allah is the (believer) who has fears of Allah.”

(Al-Ḥujurāt, 49:13)

Prophet Muhammad was reported to have said; ‘Whoever calls to racism is not part of us’.⁸ This verse and the Prophetic tradition accentuate the wisdom behind different languages we speak and unique colours of our skins, which are primarily for identification purposes. Unfortunately, some Muslims are found wanting in demonstrating true Islamic brotherhood and sisterhood, to the extent of fabricating *aḥādīth* to relegating black people to the background. One example of such an *aḥādīth* is:

“There is no good in black people; when they are hungry they steal and when their stomach is full they commit zinā. However, they have two noble characteristics, which are generosity to their guests and perseverance at the time of hardship.”⁹

Ibn al-Qayyim al-Jawzī clarified that all *aḥādīth* cursing black people are fabricated. Bilal R.A., the *Mu’aḍḥin* of the Prophet SAW was a non-Arab from Abyssinia,¹⁰ The father of all mankind, Adam, was black. Allah says:

وَلَقَدْ خَلَقْنَا الْإِنْسَانَ مِنْ صَلْصَلٍ مِنْ حَمَإٍ مَسْنُونٍ ﴿٢٦﴾

“And indeed, We created Mankind from sounding clay of altered black smooth mud.”

(Al-Ḥijr, 15:26)

⁸ Abu Dāwūd, *Sunan Abu Dāwūd.*, vol. 13, p. 325, no. 4456.

⁹ Al-Ṭabarānī, vol. 11, p. 428, no. 112213. The *ḥadīth* is, however, classified as fabricated and weak by some *ḥadīth* scholars such as al-Imām al-Bukhārī, al-Imām Aḥmad, Ibn al-Jawzī and others.

¹⁰ Ibn Sa’d, *al-Ṭabaqāt al-Kuburā*, vol. 3, p. 174.

- Tribalism

This is an extension of the earlier mentioned point. In Nigeria, for example, some ‘conservative Muslims’ do not allow fellow Muslims who are not from a particular region of the country to lead them in prayers, regardless of the level of knowledge and understanding of the person in question.¹¹ In the same vein, some even overvalue tribal and language bounds at the expense of the Islamic brotherhood. However, this phenomenon is now fading away in the face of awareness and sensitisation.

- Disunity

Islam encourages Muslims to be united and form a common front in carrying out their activities, either religious or otherwise. Allah S.W.T. says:

وَأَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا

“And hold fast, all of you together, to the rope of Allah (i.e. the Qur’an) and be not divided among yourselves...”

(Āli-‘Imrān, 3:103)

There are also numerous *aḥādīth* of the Prophet persuading the believers to be united. Unfortunately, today, Muslims are not united even in da’wah activities, such that different Islamic organizations end up duplicating the same thing, thus minimizing the result of their efforts. Some organizations in Nigeria, for example, value being a member of their groups than being a practicing Muslims. The moment a member of such groups meets a fellow Muslim, after exchanging pleasantries, what comes next is ‘which organization are you affiliated to’? If the fellow mentions a different group or says he is not affiliated to any, the former will try to persuade him to join his group, not minding his contribution to *da’wah* activities where he was.¹²

- Prejudice Against Women and Girls

The *Sharī’ah* gives equal opportunity to male and female to excel in life. It liberated woman and set her free from all sorts of discrimination she had suffered decades if not centuries before Prophet Muhammad SAW entrenched the *Sharī’ah* legal system almost one and half millennia ago. In those days,

¹¹ The author personally experienced this phenomenon in some parts of the country.

¹² Ibrāhīm, A. (2007), “Da’wah Trend Among the Youth: Dirasat Islamiyyah (New Series)”, *Journal of Islamic-Studies*, Department of Islamic Studies, Bayero University, Kano. Volume 1, No. 1, January, p. 14.

woman was regarded as man's property and if her husband dies, she is inherited along with the property left behind by the deceased, let alone giving her a portion of the property. She had no say in matters that directly concern her. Burying of the girl child was the order of the day. The 'lucky ones' that were spared were deprived access to education so that they can continue to swim in the ocean of ignorance.¹³ Unfortunately, this discrimination that the *Sharī'ah* eradicated decades ago is still practised by some Muslims today. Nowadays the discrimination is even worst because some justify their injustice to the woman and young girl in the name of Islam. It should be noted that such people or groups of people are doing so according to their own desires, which have no basis in the religion. Some Muslims will prefer education only for the male child and give him all necessary encouragement to excel, while his counterpart, the girl, is given less attention or is directly neglected and deprived, owing to the fact that she will one day leave the family and whatever investment was made on her is regarded as a 'waste'.¹⁴

- Unwarranted Violence towards the People of other Faiths

Prophet Muhammad SAW lived side by side with the Jews and Christians in the capital city of the first Islamic State on earth known as *al-Madīnah*.¹⁵ Whoever claims to understand Islam better than the Prophet SAW must be exaggerating. The *Sharī'ah* enjoins Muslims to live peacefully side by side with their non-Muslim neighbours and give them their due respect as long as the other party also maintains peace and stability in the neighbourhood. In the same vein, some people also think that unlawful harassment of non-Muslims is *Jihad*. Allah S.W.T. says in the Glorious Qur'an:

"Allah does not forbid you to deal justly and kindly with those who fought not against you on account of religion nor drove you out of your homes, verily, Allah loves those who deal with equity."

(Al-Mumtaḥanah, 60:8)

¹³ Abdullāhi, S. U. (1984), *On the Search for a Viable Political Culture: Reflection on Political Thought of Shaikh Abdullāh Dan-Fodio*, Kaduna: N.N.N. Commercial Printing Dept., pp. 7-10.

¹⁴ Deprivation of access to education is practiced by some Muslim groups in Nigeria; they regard sending their wards to school as an act of 'disbelief' and of allying themselves with unbelievers. *Boko Haram* (Western education is forbidden) group share this philosophy. Also see Leadership Newspaper, 4th August, 2009.

¹⁵ Al-Hageel, S. A. (2002), *The Virtual Position of Islam on Extremism & Terrorism*. Riyadh: King Fahd National Library, p. 15. See also: Rahim, A. (2001), *Islamic History*, Lagos: Islamic Publications Bureau, p. 35.

Wisdom is the best method to win the straying souls to the fold of Islam. A situation whereby a neighbour will be victimized for no reason other than not being a Muslim is not condoned by the *Sharī'ah*. The Prophet SAW was reported to have said:

*“Angel Jibril never ceased to admonish me about my neighbour until I thought that he was going to make my neighbour one of my heirs.”*¹⁶

These texts underscore the importance of according people good treatment regardless of the faith they profess. Being good to one's neighbour is also another means to showcase the beauty of Islam. Contrary to what Islam preaches, some Muslims in Nigeria at times harass non-Muslims for no justification.¹⁷

- Begging

Prophet Muhammad SAW was reported to have said:

*“it is better for one of you to take a rope, go into the bush, collect some firewood and sell, so that Allah solves his problems through such effort, than to go about begging from people, whether they give him or deny him.”*¹⁸

It is noteworthy that about 95% of the beggars in Nigeria today are said to be Muslims.¹⁹ Although *Sharī'ah* recognizes that fingers are not equal, and thereby encourages charity and enjoins people to help one another, it views begging as the last option. But a situation where people have taken begging to be a routine business is contrary to the teachings of the *Sharī'ah*.²⁰

¹⁶ *Ṣaḥīḥ al-Bukhārī*, vol. 18, p. 431, no. 5556.

¹⁷ This claim is evident in some of the Inter-Religious Crises in the Nigeria, which have claimed innocent lives and property worth millions of *Naira*.

¹⁸ *Ṣaḥīḥ al-Bukhārī*, vol. 5, p. 320, no. 1378.

¹⁹ This figure was given during an Islamic phone-in programme, 23rd July, 2007 aired by the Nigerian Television Authority (NTA) during Ramaḍan of the year 1428AH. Personal observations by the author also revealed that majority of the beggars in Nigeria are Muslims.

²⁰ The efforts of the Nigerian authorities to rehabilitate beggars are hampered by lack of willingness of some of them to work to earn a living. After taking them off the street to rehabilitation centres, some escape and return back to the street.

- Abuse of Polygamy

Islam offers appropriate solutions to various problems bedeviling humanity, be it social or otherwise, among which is polygamy. One of the realities of our time is the drop in male population, thereby creating problems for women to get worthy men to marry as their life partners.²¹ Regardless of what the so-called official figure says, there are clear-cut clues to authenticate this claim. Men go to war far more than women; they work in highly risky jobs, such as mining, manufacturing and construction companies, etc, where they outnumber women. Besides this, there are other realities that may compel a man to marry more than one wife, such as if the first wife fails to conceive, and after thorough examination, there are indications that the problem was not from the man. Some men were naturally created not to be satisfied with only one wife. Instead of having an unlawful relationship with another man's wife or daughter, which can create a serious problem for him here and in the hereafter,²² taking another woman through legitimate means remains the best option. Moreover, polygamy was in existence before Islam. But Islam came to regulate it and give it a human face.²³ However, a Muslim is only allowed to marry up to maximum of four wives, if he has the capability and would be able to exercise justice among them. Under no circumstances will a man be allowed to marry more than four.²⁴ The operative words under polygamy are necessity and ability. But unfortunately, some Muslims go about marrying as many wives as they could even if the necessity and ability are not there.²⁵ Take for instance a man, Bello Masaba in Bida Local Government of Niger

²¹ Men are mostly affected when it comes to casualty figures in wars and disasters in different parts of the world. The so-called war against terrorism is a clear example of this phenomenon.

²² Al-Isrā', 17:32.

²³ Al-Ṣabūnī, M. A. (1985), *Tafsīr Ayāt al-Aḥkām*, Bayrūt: Mu'assasāt Manā'il al-'Irfān, vol., 1, p. 188.

²⁴ Al-Nisā', 4:3.

²⁵ Some Muslim families have difficulties in taking proper care of their offspring as a result of large families with meagre resources. One may argue that it is Allāh that provides, but Allah also warns that we should not indulge in self-destruction (Al-Baqarah, 2:195), Allah says: "*Allah burdens not a person beyond his scope.*" (Al-Baqarah, 2:286). As a result of the inability to manage the size of the family, some children end up on the streets as 'street children' and 'area boys', they hang around traffic lights, bus stations, train terminals and restaurants to beg for money or food.

State, Nigeria who has 85 wives and - according to him - plans to marry more.²⁶

- **Obnoxious Methods of Divorce**

As Islam takes the union of a male and a female seriously, it also advocates a better life free of preventable obstacles for all human beings. In realizing that Almighty Allah created us with different characters, people do not always turn out to be what they seem to be. It is also difficult to fully understand what a person is made of until you live together with him or her. And due to the fact that our world is filled with pretenders and hypocrites. Islam introduces divorce as a legitimate means of removing undesirable people from our lives. However, it is introduced as the last result after all avenues of reconciliation have been exhausted.²⁷ In that case, laid down rules must be followed when exercising this right.²⁸ But a situation where a womaniser uses divorce as a tool to punish and exchange women like underwear is anti-*Sharī'ah*. The situation is alarming in Nigeria such that in every given opportunity where women have the audience of an Islamic scholar, this phenomenon usually dominates the question and answer session or phone in programmes on radio and television stations.²⁹

Consequences of Anti-*Sharī'ah* Practices

Certainly, there are different consequences resulting from anti-*Sharī'ah* practices among the Muslims. On the one hand, indulging in anti-*Sharī'ah* practices is tantamount to violating the rules and commandments of Allah S.W.T., which may trigger His anger, punishment and can cause delay or rejection of supplications. On the other hand, it damages the image of Islam and the Muslims, and can create setbacks for *Da'wah* activities. Muslims need to do more in propagating and disseminating the true teachings of Islam

²⁶ The man granted an interview to British Broadcasting Corporation (BBC) and a popular weekly TV programme on the Nigerian Television Authority (NTA) News Line early August, 2008 about his large family.

²⁷ Al-Nisā', 4:34-35.

²⁸ Al-Ṭalāq, 65:1-2.

²⁹ A renowned Islamic scholar, Mal. Tamimu Yūsuf, the Deputy Chief Imām of Wuse Zone 3 Central Mosque, Abuja, Nigeria revealed the information to the author during a personal conversation on related issues on 22 April, 2005 in Abuja. Proceedings in *Sharī'ah* and customary courts across Nigeria also show how some Muslims are toying with divorce.

through whatever means possible, especially at the point in time when Islam and the Muslims have become the victims of blackmail from all quarters, such that if an adherent of other religions commits a crime, it is treated as an individual case but if a Muslim errs, they attribute his action to the teaching of his religion and it is generalised as Muslim way of doing things. Whatever good a Muslim does goes unnoticed or interpreted as coincidence. All these are strategies to frustrate the Muslims. This phenomenon therefore brings a truth-seeker to a genuine crossroads. It is now the duty of every Muslim to change his or her attitudes and remember that as Allah S.W.T. sees him in all that he does overtly and covertly. The outer world is also watching and taking keen interest in his activity. It is left to him to either make or mar the image of Islam.

CONCLUSION

In a nutshell, Allah S.W.T. eulogises the believers as the best of mankind, encouraging them to do good while they also practice it. A true believer should strive to uphold the teachings of Islam overtly and covertly, as the Prophet advises. Our activities and interactions with members of the public may be a catalyst for people to embrace Islam or an impediment to scare them away from it. One should also remember that non-Muslims may not have the opportunity of accessing the primary and secondary sources of the *Sharī'ah*, but would have the opportunity of observing what an individual Muslim does. Therefore, we should strive to be good ambassadors of Islam by not tarnishing its image. On the other hand, non-Muslims should not jump to hasty conclusions about what Islam preaches by passing judgement as a result of what an individual does. They should also remember that every human being has his or her own weaknesses. These weaknesses should not be used as the yardstick for arriving at a conclusion about what one has no in-depth knowledge of. The entire medical profession cannot be criticised due to the unwholesome activities of one quack doctor. Likewise, Islam should not be condemned as a result of the activities of certain Muslims who deviate from the path in Islam.

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