

tooth, and wounds equal for equal. But who forgoes retaliation by way of charity, it is an act of atonement for him.” (5:48) Their own Judeo-Christian legacy is now weighted toward mercy. This they forget.

They cannot answer when America herself has the death penalty. When idealists go misty-eyed at democracy, they remember its archetypal ideal. They trade on symbols. In its ideal definition, “democracy” aims at minimization of social or economic differences based on the unequal distribution of private property. This democracy has never existed except in icons. But it sounds awfully close to social Islam, & Islam exists. The Shariah State also has existed: Madinah & Makkah, & the Rightly-guided Caliphs.

When demo-capitalism soars at the prospect of earthly justice – as they uncover racism in capital punishment – it does not perceive the justice of the believing, where the standard is intrinsic, eternal right or wrong, & the guidelines are stringent indeed: *Tazkiyah ash Shahadah*, the purification of witness, requiring unimpeachable & multiple character proofs; corroboration four times over, by such unassailable eyewitnesses.

The law of the West, embedded in national state apparatus, must twist & turn. It is a territorial creature of time & place, rooted in historical causality. Western law is parochial, yet claims global export & does not always recognize the code across the border. The tsunami of Islamophobia continues to roll in. The article by Frosty Woolridge, “America Must Never Succumb to Islam’s Shariah Law,” in NewswithViews.com is perhaps the clearest distortion yet of Islamic law. Shariah & Fiqh, correctly applied, remain consistent, umbrella-like (social justice beginning in self-ethics beginning in God-consciousness) & without borders. Ideally, the legislative, executive & judicial bodies should all take Islamic beliefs into consideration when carrying out their duties.

The Muslim world is no Caliphate of the Righteous. Political use of Shariah is patent. Judicial readings of Shariah may err. Culture intrudes. But Mawdudi has already answered most questions: in fact the criterion is not Shariah but Din. **Is the Din the goal, or the excuse? In fact the criterion is in the Quran: for those who believe & who do good deeds. To live on earth as a Muslim, one follows the Shariah to make out the markings on the road, with one’s eyes on the water, on the well, on the rivers that flow under the Gardens the Quran tells of.**

**The Divine State:** The difference between the political system of Islam (Shura-based, Consultative State) and Western democracy could arguably stand on one single criterion: “Assist me when I act rightly; but if I go wrong, put me on the right path. Obey me as long as I remain loyal to Allah and His Prophet, but if I disobey, then none is under the slightest obligation to accord obedience to me.” One criterion, but it envelops all. The guiding proclamation of the Head of the Islamic State, the Amir, affirms accountability: answerable before parliament & people, **by being answerable to God**; not only for public but private & personal conduct. Five times every day, the Amir joins the people in the mosque, every Friday he addresses them. Each & every member of the public can stop him in the streets of cities & towns to question his conduct or demand his rights from him, at all times & at all hours. This form of government cannot be identified with any modern form of government. But it is this which stands in the fullest accord with the ideology of Islam. The Din of Truth has no man-made parallels. It is life, legislated by God, the All-Knowing.

The similarities between the Shura-based Islamic State and the founding principles of Western democracy are equally palpable. The people share access and consent, deliberation and decision. But the pivot of the Islamic criterion is the axis of God. **It is not, in Islam, the rule “of” the people. It is the share & applied Islam, “by” the people.**

The purpose of our existence as Muslims is to seek Allah, apply the absolute truth of Revelation in our private & public lives, and infuse it into the community in which we were born or choose to live. This means that our social purpose must be functionally to Islamize the community wherever we live and at whatever level, from the family all the way to the community of mankind. This social purpose, again at every level of human community, requires **political action** based on the guiding principles of normative law derived from Divine Revelation.

The Shariah is predicated on the **benefits of the individual** & that of the community, and its laws are designed so as to protect these benefits & facilitate improvement & perfection of the conditions of human life on earth. It is through **educating the individual** that the Shariah seeks to realise most of its social objectives. The Law. Its Mind.

**THE SHARIAH IS WIDE.  
THE SHARIAH IS SUBTLE.**

# FOOTSTEPS TO WATER Shariah EYES ON THE RIVER

**THE SHARIAH IS WIDE,  
THE SHARIAH IS SUBTLE.  
THE WEST HAS NO IDEA  
OF WHAT THE SHARIAH IS.  
MANY MUSLIMS ALSO HAVE NO IDEA.**

In Arabic, Shariah means “the clear, well-trodden path to water.” Islamically, it is used to refer to the matters of religion that God has legislated for His servants. The linguistic meaning of Shariah reverberates in its technical usage: just as water is vital to human life, so the clarity & uprightness of Shariah is the means of life for souls and minds. The Shariah has stood, in places, for political method. “Do Iran & the Sudan follow the Shariah? Does Saudi Arabia? Will Egypt? Will Turkey, Afghanistan, Tajikistan?”

**The West has no idea of what the Shariah is.** Although the term “Sharia” is widely used in the West, it is rife with contradiction & confusion. For example, in 2003, the European Court of Human Rights ruled that “Sharia clearly diverges from [the European] Convention [on Human Rights] values. On separate occasions in 2008, the Archbishop of Canterbury & the Lord Chief Justice of England & Wales came to an opposite conclusion from that of the European Court. In public speeches they suggested that Sharia does not necessarily have to be contradictory to Western legal & political values. These remarks were met with scorn and outrage. **But, just as in the case of the European Court, both the highest judicial & religious authority of England failed to clearly define what they meant by “Sharia.” Many Muslims also have no idea.** To narrowly define the Shariah as a legal code, a penal code of Islamic jurisprudence is to miss the inclusive embrace of its reach. Know the Shariah. More than the law of Islam: **Its mind.**

**“For each We have appointed a divine law & a traced-out way. Had God willed, He could have made you one community: but that He may try you by that which He has given you. So vie one with another in good works.**

**Unto God you will all return & He will then inform you of that wherein you differ.”**

**S**uppose a master has many servants, Sayyid Abul A’la Mawdudi said to the villagers gathered in the mosque for Friday Prayers late in the 1930s. “Those who acknowledge him as their master consider it their duty to obey him. The duties they perform and the way they serve him may be different but they still remain his true servants. If the master has shown one servant one way to serve him, and a different way to another, no one has any right to claim that he alone is a rightful servant and that others are not. Similarly if one servant understands his master’s will in one way and another servant in another way, and both try to do his will as understood by them, then both are equally good servants. Quite possibly one may err in understanding the meaning of a particular directive but as long as he does not refuse to obey it, no one has the right to brand him disobedient.” (*Let Us be Muslims*).

Thus did Mawdudi the Islamist explain to simple folk the difference between Din & Shariah. Observe the ground Mawdudi has actually covered: sectarianism & prejudice are cleanly put to rest; the legitimacy of the search for rulings is upheld; the concepts are defined, the Shariah in dynamics & motion, the Din in singularity & finality. As always with Mawdudi, the effectiveness of the parable lies in simplicity & flawless logic, as it roots a deep & profound intellectual concept in immediacy. **Din, he has informed his listeners, signifies both sovereignty & its corollaries, submission & obedience. Shariah,**

**on the other hand, is the way in which to submit & to obey, the path you must travel in this service.** “Din always was, has been & still is one & the same.” Din is the departure & the arrival, Shariah is the ticket for the journey. Mawdudi knew that Din & Shariah are often confused with each other, & he knew the dangers.

**How to Reach the Water:** Shar is “the way.”

The arrow pointing the direction, literally the lines marking the path of the thirsty to water, the map to keep the wanderer, the traveler from getting lost. It will lead to the true destination (the Din of God). To limit the Shariah to a legal & penal code, of Islamic jurisprudence is to miss the inclusive embrace of its reach. It developed as human commentary on the divinely-revealed Quran & the practices, decisions & opinions of the Prophet (p), his Sunnah. It is not an extension of these paramount sources; it is their embodiment. Certainly, the Shariah legislates. But does so unattached to place, peoples, temporal platforms: it deploys Islam in this world.

Within one generation of the Prophet (p), geographically far-flung courts of law were administering a new justice. Indigenous peoples were pondering daily concerns in a new transcendental (God-conscious) optic. Local communities were seeking regulations for order & growth. The legislative Shariah took shape, growing rings like the layers of a rising tree. The learned men pondered the spirit of Islam to graphically supplement its daily alphabet.

The guiding principles were clear enough, at once, in one swooping Arabic verse: “This is the Book of God, there is no doubt in it; it is guidance for the pious, for those who believe in the unseen, are steadfast in prayer & spend out of what We have provided for them.” (2:2) In God’s immediate answer to our universal prayer, the prayer which opens the Quran, the founding principles of Islam are revealed: Iman, belief, & the true worship of Allah; and within the community of human beings, charity & mutual assistance (i.e. Justice). Where the Quran & Hadith were silent, jurists turned to reason (qiyas) & the establishment of consensus (ijma). **Reason would determine precedent, how a guiding divine principle could apply to a novel reality. Consensus, scholarly or popular, would also ultimately derive from collective rationality.**

In time, Islamic jurisprudence (Fiqh) could draw not only from a body of standards, guidelines and laws, but from the elasticity of preferential approaches, the Four Schools. With no fundamental principle involved, it is the margin of Ijtihad (intellectual analysis) which varies. The Hanafi, founded by Imam Abu Hanifa, goes farthest in upholding personal reasoning, the weight of reasonable common sense. The Maliki, delineated by Malik Ibn Anas of Madinah, the massive Shafi’i contributions, the views of Ahmed Ibn Hanbal prefer, in varying degrees, a smaller margin for individual decisions. **None of the four great jurists would have tolerated doctrinaire schisms.** They were offering vehicles toward God, **not** fortresses against men. Is not Islam the middle way? For many “uneducated” Muslims it’s a middle course, but winding, heading straight for conflicting intersections.

**Eyes On the River:** The Shariah is wide, the Shariah is subtle. A monumental human document: legal eagles spend lifetimes to grasp the finesse of its rings. Yet at times, claimed for dogmatic criterion, admitting no fluctuation, no variable: while in fact **it most resembles a series of tonal variations on one and the same note**, and the note it strikes obeys the Lord of complete justice & mercy. The tones of the instrument of Shariah (the core truths) envelop the protection of life, the distribution of wealth (the Giving Society/Infaq), the exercise of personal conscience, the right to justice, the right to learning.

Western democrats did **not** read Shariati. They took “Shariah” to mean punitive law. They remember the sentence, not the crime. What they forget, conveniently or innocently, is both surface & deep-time perspective. They forget that their anthem of populist modernism shouted by the French Revolutionists, led to the blood-drenched mass beheadings of a time still called “The Terror”: revolution is bloody. They refuse vision, even logic: the inherent purpose of the lesson which dramatically does halt evil in its tracks (a punishment by way of example, from God, for their crime 5:41).

And if they took the time to learn, they would see: “Therein in the Torah We ordained for them: life for life, eye for eye, nose for nose, ear for ear, tooth for