



Core Curriculum

5 The Qur'an and Hadith

5.4 **The Quran and Islamic law**

INTRODUCTION

Bismillāhir Rahmānir Rahīm, As-salāmu ‘Alaykum wa rahmatullāhi wa barakātuh. Peace be upon you brothers and sisters.

Welcome back to the Muslim Convert Channel! Back in our section on the Furū‘ al-Dīn, we spoke a lot about Islamic law. One thing we did not really talk about are the sources of Islamic law. Where are they taken from? What source holds the most authority?

In this lesson, we'll briefly take a look at the sources of Islamic law and analyze how the Quran, Islam's holy book, is the most authoritative source of them all.

BODY OF TEXT

We have neglected nothing in the Book (Chapter 6, verse 38 of the Holy Qur'an)

This is the Book about which there is no doubt, a guidance for those conscious of Allah (Chapter 2, verse 2)

Islamic law has four major sources, they are the following in hierarchal rank:

1. Qur'an
2. Hadiths of the Prophet Muhammad (s) and his Ahl al-Bayt (as)

3. 'Aql (intellect)
4. Ijmā' (consensus of the community or scholars)

The Qur'an is the ultimate source of Islamic law. It sets the general principles on how we should understand the law. It sets the ethical and moral paradigms of what is acceptable and what is not acceptable behavior.

For example, the Qur'an rules against stealing the property of orphans or forcing women into prostitution. These rules are important for they set the parameters of how far we can interpret Islamic law. So if we take these two examples, we know that any interpretation that would somehow legalize forced prostitution or theft of an orphan's property would be totally invalid.

Allah says:

And give to the orphans their properties and do not substitute the defective [of your own] for the good [of theirs]. And do not consume their properties into your own. Indeed, that is ever a great sin. (Chapter 4, verse 2 of the Holy Qur'an)

He also says:

And do not compel your slave girls to prostitution, if they desire chastity, to seek [thereby] the temporary interests of worldly life. And if someone should compel them, then indeed, Allah is [to them], after their compulsion, Forgiving and Merciful. (Chapter 24, verse 33 of the Holy Qur'an)

Knowledge of the Qur'an is therefore essential in understanding Islamic law, especially in our modern world. We often see extremists committing many barbaric acts and justifying them through a warped understanding of Islamic law.

But any in-depth reading of the Qur'an, and careful consideration of the moral and ethical principles that it preaches will make one quickly

realize how unislamic the behavior of some violent extremists are.

The Qur'an, however, does not contain all of Islamic law. As we said, it sets the general principles, especially moral and ethical principles, which guide the law. For example, the Qur'an asks us to pray, but it does not tell us how many units of prayer we should perform. Similarly, it tells us to fast, but it does not give us the details as to how to fast.

So where are we supposed to get these details from? They are to be taken from the hadiths of the Messenger of God (s) and his Ahl al-Bayt (as). These hadiths give us the details, and the Qur'an gives us the general principles.

Why is this the case? Well think about it, if every single detail of Islamic law, or any other religious matter, was in the Qur'an, then the Qur'an would have endless volumes and it would become an impractical holy book! Imagine carrying a book that is hundreds of volumes long. Holy books are useful when we can carry them around and use them as sources of guidance!

The Qur'an and hadiths are therefore the originators and establishers of Islamic law. As the Qur'an commanded Muslims to perform deeds, the Prophet (s) and his Ahl al-Bayt (as) taught Muslims on how to perform them and shared all the important details that people needed to know.

Our third source of law is something we call 'aql. Aql is in reference to the human intellect. One of the tools of the intellect which is useful in the Qur'an is the power of inference which in Arabic is called istinbāt. Inference is sometimes used when Muslim scholars try to derive a specific law that may not be too clear both in the Qur'an and in the hadiths because the legal case at hand is unprecedented.

For example, we have a hadith from the Prophet and the Imams of the Ahl al-Bayt (as) that "every intoxicant is forbidden" or "every thing that ruins your mind is forbidden." Some drugs, such as methamphetamines did not exist during the time of the Prophet or the Imams. However, with our intellects, we understand that modern drugs like

methamphetamines ruin the mind. As such, we can infer that these drugs are forbidden by Islamic law.

The other source is called *ijmā'* or consensus. Consensus can refer to multiple things, either consensus of scholars or consensus of the Islamic community. The idea behind this is that if Muslims agree on something, or at least scholars agree on a certain matter, then we should assume that the position is legally sound.

Now obviously there are many types of *ijmā'* in Islamic law, and it is a controversial source of law, especially among scholars. However, it does have some power in certain situations. For example, all Muslims agree that there are five obligatory prayers. The fact that all Muslims historically agreed on this is of great evidentiary value as it establishes, on a historical basis, that the Prophet (s) did in fact teach this.

Unfortunately, some people get boggled up in these details and forget the elephant in the room when we speak of Islamic law, namely the Qur'an. The Qur'an holds the number 1 say in Islamic law. Nothing supersedes it. No interpretation, or legal conclusion may contradict its ethical principles.

Until Next Time, Thank you for watching. As-salāmu 'Alaykum wa rahmatullāhi wa barakātuh