

I. Reply to the Stereotype “Shari3a is Too Old to Apply Today”

Table of Contents

I. Reply to the Stereotype “Shari3a is Too Old to Apply Today”	1
A. Definitions and Principles.	2
i. What is Shari3a.	2
ii. Shari3a is devine.	2
iii. Part of Shari3a is rigid and part is flexible.	2
iv. The universal principles of the human life:	3
v. The Ten Commandments still apply today.	4
B. Freedoms in Shari3a.	5
i. Wise and unwise versus Halal and Haram.	5
ii. Freedom of choice between Halal alternatives.	6
iii. Shari3a flexible framework.	6
C. Comparing Shari3a to Capitalism	6
i. The example of Lake Tahoe	6
ii. The example of immoral dumping the surplus crops in the ocean to keep the price high.	8
iii. The example of the immoral wasting of food in Las Vegas Buffets and in the world. 9	
iv. Waste of food in stores and supermarkets, such as Safeway.	10
D. Doing Business in Shari3a	10
i. What is Haram in doing business.....	10
ii. Interest (Riba).....	10
E. The Five objectives of Shari3a	12
i. Protection of religion.....	13

ii.	Protection of human life.....	13
iii.	Protection of intellect.....	13
iv.	Protection of progeny.....	13
v.	Protection of wealth.....	14

A. Definitions and Principles.

i. What is Shari3a.

Islamic Shari3a, also known as Shari3a law, is a body of religious laws that forms an integral part of the Islamic tradition. It is based on the scriptures of Islam, particularly the Quran (the holy book) and the hadith (the sayings and actions of the Prophet Muhammad). The main part of Shari3a is was establish in the seventh century before the death of the Prophet Muhammad in 632 CE.

ii. Shari3a is devine.

Shari3a is divine. It is the God made law. No country is without laws. If one rejects the Shari3a, then the only alternatives is manmade law, which is going to be biased towards specific segment of the society.

iii. Part of Shari3a is rigid and part is flexible.

Shari3a offers a comprehensive framework for Muslims to navigate various aspects of life. While certain core principles remain constant, their application can evolve based on context. Shari3a mainly consists of two kinds of laws. The first kind is the static part of Shari3a that don't change with time and place. For example, the principles of monotheism, moral values, family laws and criminal laws. The second type is the dynamic flexible part of Shari3a that changes with time and place. For this kind, Shari3a provides a framework to deal with new issues and methods. For example, economic transactions, technological advancements, local conditions, tax laws and methods of taxation, and differences in the interpretations of the evidence. When applying Shari3a to new situations, Islamic jurists may have differing

interpretations based on their reasoning and evidence. This can lead to variations in rulings on economic matters across different regions and schools of Islamic thought.

iv. The universal principles of the human life:

There are universal aspects of the human life that transcends time and place. Whether 1400 years ago or today, whether in China or India, they don't change, as follows:

- Family Law: The foundation begins with a man and a woman coming together in matrimony. Their union is blessed with children, forming the bedrock of family life. Shari3a establishes the rights and responsibilities of spouses and parents, ensuring a stable family unit. This core concept applies universally.
- Home: Whether it's a cave, tent, apartment, or house, the family needs a place to call home.
- Means of transportation: whether it is a camel, a horse, a car or an airplane, Shari3a provides laws to regulate these means of transportations to reduce the risk of accidents.
- Regulating Neighbors: Shari3a ensures harmonious relationships among neighbors. It emphasizes that one's freedom should not infringe upon the freedom of others. Shari3a emphasizes respectful coexistence. The idea of respecting others' boundaries transcends time and place.
- Social Order: Shari3a rules facilitate communal living. They guide behavior within the community, fostering cooperation and mutual respect.
- Marketplace: Members of the community engage in trade. Shari3a regulates transactions, distinguishing between permissible and forbidden practices.
- Dispute Resolution: A functioning legal system is essential. Shari3a addresses disputes among people, ensuring fairness and resolution.
- Punishment: Criminals must be held accountable. Shari3a provides a framework for just penalties.
- Leadership and Politics: Leaders responsible for governance must adhere to Shari3a principles.

v. The Ten Commandments still apply today.

Despite the fact that the ten commandments were given to Prophet Moses by God 4,000 years ago, they still apply today because they are based on moral values that don't change with time or place. The Ten Commandments are:

- "You shall have no other gods before me."

God desires our complete loyalty and allegiance. We must prioritize Him above all else.

- "You shall not make for yourself an idol."

Avoid worshiping anything or anyone other than God. Idols can distract us from true devotion.

- "You shall not take the name of the Lord your God in vain."

Treat God's name with reverence and avoid using it carelessly or disrespectfully.

- "Remember the Sabbath day, to keep it holy."

Set aside a day for rest and worship. Honor the Sabbath as a sacred time.

- "Honor your father and mother."

Show respect and gratitude to your parents. Their role is significant in God's plan.

- "You shall not murder."

Preserve life and avoid causing harm to others.

- "You shall not commit adultery."

Uphold the sanctity of marriage and fidelity.

- "You shall not steal."

Respect others' property and refrain from theft.

- "You shall not bear false witness against your neighbor."

Speak truthfully and avoid spreading falsehoods.

- "You shall not covet."

Be content with what you have and avoid envy or greed.

B. Freedoms in Shari3a.

i. Wise and unwise versus Halal and Haram.

The range between Halal and Haram is broad to accommodate different cultures, time and place. It provides us with a range of freedom to chose from. However, wise and unwise is a customized area between Halal and Haram that fits the need of a specific individual based on reason, experience, and understanding of potential outcomes. What's considered wise or unwise can vary depending on the situation and cultural context. For example:

- In marriage, it is Halal for a Muslim man to marry a Christian or a Jewish wife and it is Haram to marry other than Muslim, Christian and Jewish. However, it is unwise to do this in the United States because it is very likely that the children would become non-Muslims. Interfaith marriages can present unique challenges, especially in societies with diverse religious influences like the United States. The children are exposed to the message of the media, the entertainment, the school, the social media and the peer pressures are against you. If the mother teachings are also against you, then there is almost no chance of the kids listening to you. It is well known fact that if the mother's teachings also diverge from the father's religious beliefs, it becomes challenging to impart a consistent religious upbringing. In addition, considering Muslim woman and girls are Haram to marry other than Muslim, then if you marry outside of the religion, who is going to marry them. In summary, while the legality of interfaith marriages varies, practical considerations and potential challenges should be carefully weighed.
- While Islam permits divorce (considered Halal), it is discouraged as a last resort. The Quran emphasizes reconciliation and maintaining a strong family unit. Some Christian denominations take a stricter stance, allowing divorce only in specific cases like infidelity. This can create situations where a spouse might resort to false accusations to escape an unhappy marriage. In contrast, Islam allows divorce but emphasizes its use with fairness and only when absolutely necessary.
- The traffic laws, they clearly define what's allowed (driving on the right side) and forbidden (running red lights). Wise and unwise are more like the route you chose based on knowledge of various roads and traffic condition.

- While it is Halal to apply to any college, it is wise to select a college that best fits your goals and finances. It might be wise to go to Berkeley and unwise to go to San Jose State because of Berkeley is a difficult school. It might be Halal to go to out of state college but it is unwise if you cannot afford the out of state tuitions.

ii. Freedom of choice between Halal alternatives.

Shari3a offers a wide range of Halal choices to select from. It guides ethical conduct but also allows room for informed decision-making within Halal and Haram boundaries. Muslims can consider practicalities and potential consequences when making choices. As long as Haram is avoided, Shari3a would support your choices. For example, in doing business, it is Haram to engage in cheating, monopoly or Riba (interest) and it is Halal that you select the method of payment that you prefer. You have the choices of cash, credit card and debt cards. However, it might be wise to accept cash only to avoid the fees associated with other methods of payment. It is also halal to choose the location for your business that you like as long as you are not blocking the traffic. However, it might be wise to open your business in a mall that provides lots of traffic.

iii. Shari3a flexible framework.

Shari3a acts as a compass for Muslims, guiding them towards ethical conduct in all aspects of life. It establishes clear boundaries between what is permissible (Halal) and forbidden (Haram). However, Shari3a doesn't restrict choices and it allows individuals to make informed decisions based on practical considerations and potential consequences. This empowers Muslims to navigate everyday situations with Islamic values in mind while adapting to different contexts.

C. Comparing Shari3a to Capitalism

i. The example of Lake Tahoe

Lake Tahoe serves as a microcosm, revealing how economic considerations shape societal norms and permissible behaviors. The economy, in many ways, acts as the arbiter of morality in this region. Lake Tahoe is divided in two areas, Nevada side and California side. They have different laws regarding prostitution and gambling, as follows:

- Gambling:

- Nevada Side (Lake Tahoe): The Nevada side of Lake Tahoe is known for its casino culture. Casino gambling is legal in Nevada, including at Lake Tahoe. Nevada casinos offer casino markers—essentially no-interest lines of credit extended for gambling. However, failing to pay back these markers can lead to legal trouble, including potential jail time.
- California Side (Lake Tahoe): In contrast, the California side of Lake Tahoe does not permit commercial casinos. Gambling establishments are not legally allowed in California Lake Tahoe.
- Prostitution:
 - Nevada Side (Lake Tahoe): Prostitution is legal in Nevada. Its state law allows licensed brothels in all counties except Las Vegas.
 - California Side (Lake Tahoe): California law strictly prohibits prostitution throughout the state, including the Lake Tahoe region. Solicitation of a prostitute or engaging in prostitution is considered a misdemeanor offense in California, punishable by fines and/or up to six months in jail. Unlike Nevada, California does not have legal brothels.

Consider this scenario: Two hotels stand across the street from each other—one in California and the other in Nevada. In the California hotel, gambling and prostitution are strictly forbidden. Meanwhile, the Nevada hotel allows both activities. This juxtaposition highlights how economic factors influence moral values and legal boundaries. California economy is based on Technology and innovation in the Silicon Valley, entertainment in Hollywood, finances, manufacturing and agriculture. No need for immoral revenue of prostitution and gambling. While Nevada economy is mainly dependent on the casino industry and gambling revenue. The economy of Nevada makes the immoral practice of prostitution and gambling legal. Crossing the street that separates between the two states changes the immoral to legal.

This would have never happened in Shari3a because it makes gambling, prostitution and drinking haram everywhere and at all times regardless of the economy or any other factor.

ii. The example of immoral dumping the surplus crops in the ocean to keep the price high.

Dumping excess crops into the ocean is another example of an immoral practice driven by economic considerations. Throwing excess crops into the ocean to manipulate prices is an immoral act that disregards both environmental sustainability and human welfare. It highlights the tension between economic interests and ethical responsibility

- The Scenario:
 - Imagine a situation where farmers or agricultural producers have surplus crops—more than the market demands.
 - These excess crops could lead to a glut, causing prices to plummet due to oversupply.
- The Immoral Practice:
 - To maintain higher prices and protect their profits, some producers may resort to wasteful actions.
 - One such action is dumping the surplus crops into the ocean or destroying them intentionally.
 - By reducing supply artificially, they hope to keep prices elevated.
- Why It's Immoral:
 - Waste: Dumping edible food into the ocean is wasteful and environmentally harmful.
 - Hunger and Need: While crops are discarded, there are people around the world suffering from hunger and malnutrition.
 - Ethical Responsibility: As stewards of resources, producers have an ethical responsibility to use them efficiently and consider the well-being of others.
- Consequences:
 - Environmental Impact: Dumping crops harms marine ecosystems, disrupts natural balance, and contributes to pollution.

- Social Injustice: It perpetuates inequality by prioritizing profit over human needs.
- Public Outcry: Such practices can lead to public outrage and damage a company's reputation.

Indeed, in Shari3a, the principles of conservation and compassion guide our actions. Wasting food is strictly prohibited, and the teachings emphasize sharing with those in need. When we recognize that Allah's blessings are meant to benefit us and others, we become stewards of resources rather than squanderers. The devil's temptation to waste contrasts with the divine call to nourish both body and soul through acts of kindness and generosity. May we choose wisely and honor the path of compassion and sustenance.

iii. The example of the immoral wasting of food in Las Vegas Buffets and in the world.

Las Vegas buffets, renowned for their abundance and variety, are both a culinary delight and a source of concern. These all-you-can-eat feasts attract millions of visitors annually, but they also generate a significant amount of food waste. 220,000 lb. of food are wasted per day in the Las Vegas strip hotels. This adds up to 80.3 million lb. of food is wasted every year. The "all you can eat" concept often leads to more food being presented than is actually consumed. Despite the intention to indulge, not all the food finds its way into hungry bellies. According to the U.S. Department of Agriculture, approximately 30% to 40% of the U.S. food supply goes to waste. The true cost of food waste includes not only the expense of producing the food but also transportation, handling, and the value of the wasted product itself. The estimated annual cost of food waste in the U.S. is a staggering \$218 billion. Producing, transporting, and disposing of food consumes valuable resources and raises environmental challenges and resource depletion.

On a global scale, food waste exacerbates world hunger. Despite producing twice as much food as needed, the U.S. still has 54 million food-insecure people. 12.8% (approximately 17.0 million) of U.S. households experienced food insecurity during 2022. 5.1% (approximately 6.8 million) of these households faced very low food security. In these households, normal eating patterns were disrupted, and food intake was reduced due to insufficient money or resources for food. In addition, 17.3% (approximately 6.4 million) children experienced food insecurity.

Around 2.3 billion people in the world (approximately 29.3%) were moderately or severely food insecure in 2021. Additionally, nearly 924 million people (approximately 11.7% of the global population) faced food insecurity at severe levels.

iv. Waste of food in stores and supermarkets, such as Safeway.

Safeway, like many other supermarkets, faces the challenge of managing unsold perishable items, including chicken. Supermarkets are significant contributors to food waste. In the United States, they discard approximately 43 billion pounds of food annually. The average supermarket stocks thousands of items, and much of the fresh produce, meats, dairy, and prepared meals end up in landfills. Overstocking is a common strategy, where shelves are filled with excess items to attract customers.

Unsold chicken is a prime example. At the end of the day, supermarkets often face a choice:

- Reduce Prices: Offer unsold chicken at a discounted price to encourage sales.
- Discard: Dispose of unsold chicken to maintain profit margins.

Supermarkets aim to maximize profits. Discarding unsold items ensures consistent pricing and avoids revenue loss. Supermarkets must partner with food banks or animal feed programs to divert excess food from landfills.

D. Doing Business in Shari3a

i. What is Haram in doing business

There are three Haram things that must be avoided according to Shari3a: cheating, Riba, monopoly and selling items prohibited by Shari3a, such as liquor, drugs, pork, cigarettes, etc. If these dealings are avoided, then any other form of business is Hallal. Merchants are free to choose between these Hallal alternatives.

ii. Interest (Riba).

Riba is an Arabic term meaning "to increase" or "to exceed" and is used in Islamic finance to refer to the concept of interest charged on loans or deposits. It is considered unjust, exploitative, and is strictly forbidden under Islamic law. It is the primary cause of inflation. The prohibition of Riba is intended to promote fairness and social equity, prevent exploitation, and

encourage charitable acts. In Islamic banking, alternative financial instruments are used to facilitate transactions without the use of interest, ensuring compliance with Shari3a law.

One form of Riba is the interest or usury that is charged or paid on loans or transactions. Riba is one of the major sins in Islam, and it is a source of injustice and oppression. Allah ﷻ says in the Quran (2:275): "Those who consume interest cannot stand [on the Day of Resurrection] except as one stands who is being beaten by Satan into insanity. That is because they say, "Trade is [just] like interest." But Allah ﷻ has permitted trade and has forbidden interest. So whoever has received an admonition from his Lord and desists may have what is past, and his affair rests with Allah ﷻ. But whoever returns to [dealing in interest or usury] - those are the companions of the Fire; they will abide eternally therein."

In addition, Allah ﷻ declared war against the ones who deal with Riba. Allah ﷻ says in the Quran (2:278-279): "O you who have believed, fear Allah ﷻ and give up what remains [due to you] of interest, if you should be believers. And if you do not, then be informed of a war [against you] from Allah ﷻ and His Messenger. But if you repent, you may have your principal - [thus] you do no wrong, nor are you wronged."

One way to understand why Riba is forbidden is to look at this formula: Money + time = More money. For instance, \$100+1 year = \$110. The extra \$10 is Riba because it comes from time. This causes inflation because of the time value of money. However, the formula for business is that \$100+business = \$110. This does not cause inflation because the extra \$10 comes from doing business. The disbelievers challenged the Prophet Muhammad ﷺ that Riba is the same as a business. Allah ﷻ did not respond to them by showing them the difference between the formula of Riba and the formula of business. Instead, Allah ﷻ gave them a majestic answer in Surat Al-Baqara, verse 275: "And they say, "Trade is [just] like interest." But Allah ﷻ has permitted trade and has forbidden interest. So whoever has received an admonition from his Lord and desists may have what is past, and his affair rests with Allah ﷻ. But whoever returns to [dealing in interest or usury] - those are the companions of the Fire; they will abide eternally therein."

In addition to inflation, the wisdom of making Riba Haram is that it is immoral and harmful for the individual and society. It is immoral because it is a form of exploitation and greed,

where one party benefits from the money or property of another without giving anything in return. It is harmful because it causes inflation, debt, poverty, and social unrest. Allah ﷻ has allowed trade, which is a fair and mutual exchange of goods and services, and has forbidden Riba, which is an unjust and parasitic increase of wealth.

Riba is not only the interest that is charged or paid on money, but also any excess or surplus that is exchanged for the same kind or category of goods. For example, it is Haram to sell gold for more gold, rice for more rice, dates for more dates, or money for more money, unless the exchange is equal and simultaneous. This is to prevent any cheating or manipulation of the market prices or values.

One of the puzzles that is often used to illustrate the concept of Riba is the following scenario: Two people agreed that one is going to lend the other one million today for three million next year. After the three years were over, the borrower returned only one million dollars to the lender. The lender disagreed and demanded the remaining two millions. The borrower said that this is Haram Riba and he is not going to pay it. They went to the judge to rule according to Shari3a. If the judge would rule to the favor of the lender, then he is violating the prohibition of Riba. If he would rule to the favor of the borrower, then it is not fair for the lender and he would be supporting injustice.

What was the ruling?

The ruling was that the borrower is right, and he only must return the one million that he borrowed, without any increase or interest. But at the same time, give an additional one million to the lender to keep for one year and then return it back to the borrower. This is fair because the lender gave the borrower the benefit of having one million dollars for one year. This benefit is given back to the lender by giving him the same benefit, which is having one million dollars from borrower to keep for one year and then return it back to the borrower.

E. The Five objectives of Shari3a

The following overall objective of Shari3a are universal values that doesn't change with time or place:

i. Protection of religion.

Religion is what differentiates human being from the other creations of Allah. It is part of the honor that Allah gives to humanity. Therefore, it has to be protected. First, Shari3ah protects religion by establishing the ruling that See [Quran 2:256](#) [There is no compulsion in religion], [50:45](#) [Can't force them to believe] and [10:99](#) [Your Lord could have made all people on earth believe. Who are you (Mohamed ﷺ) to compel them against the will of God].

ii. Protection of human life.

The Shari3ah makes the life of a single human being so valuable and Allah in the Qur'an said that killing one person is equivalent to killing the whole of humanity and saving the life of one person is as if the life of all humanity is saved (Al-Ma'idah 5:32). Shari3ah forbids killing and dictates the most severe punishment for it in this life and in the hereafter. It also prohibits injuring people, harming them physically or even symbolically. It allows and encourages people to live honorably, gives them the right to move, think, and speak freely and responsibly.

iii. Protection of intellect.

Shari3a promotes education for all and makes it a right for everyone. Shari3ah also states that if the intellect gets corrupted, it becomes harmful to the individual and to the society and Shari3ah fights strongly against such corruption. One of the main reasons behind the impermissibility of intoxicants is that they have a strong influence on corrupting the intellect.

iv. Protection of progeny.

Every child has the right to grow amongst a family. This family is obligated to take care of the children and develop them. Marriage is very valuable in Islam and it has a big share in Islamic Shari3ah teachings and rulings. Sexual relations other than in marriage are impermissible and same-sex marriage is strictly forbidden.

Marriage is protected by law from the abuse of either of the spouses, or the abuse of people outside the family. Accusing someone, especially women, of having unlawful sexual relations deserves a strong punishment since spreading such rumors demolishes marriages and is dishonorable. Men and women in society are obligated to protect their chastity, lower their gaze, and deal with one another professionally and in a brotherly fashion. All these teachings are to make sure healthy families are established and children grow up in healthy families.

Divorce, although allowed, is discouraged by demanding spouses to endure patience. Divorce is a final resort to fix an unsuccessful family. Resolving marriage conflicts as stated in the Quran, is another example of how Shari3ah pays extra attention to the family.

An orphan is very valuable, and taking care of an orphan has a reward no less than the company of the Prophet in Paradise. One cannot consider his children as a burden, and cannot kill them out of fear of poverty or dishonor (as people used to do).

Mothers are given a special care especially when they are pregnant or nursing for they are the ones who nurture the next generation. Shari3ah's teachings, when followed, guarantees the righteous upbringing of new generations and the real protection of progeny.

v. Protection of wealth

People have the right to own and protect their property. Shari3ah aims to protect people's wealth and property. Theft is strictly prohibited and punished by the law. Shari3ah also regulates transactions between people, and states clearly that it has to be built on complete freedom and willingness. Shari3ah also encourages us to increase our wealth and it ensures that wealth does not reach the hands of those who waste it. The poor have rights in the wealth of the rich through charity. Usury is forbidden as it is a cause of wasting wealth and putting it in the hands of a few rich people.