

Shari‘ah: What It Is and What It Isn't
An Interview with Asifa Quraishi and Rev. Dr. Welton Gaddy

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Sally Steenland: I am Sally Steenland and I direct the Faith and Progressive Policy team here at the Center for American Progress. With me today are two special guests, Asifa Quraishi, assistant professor of law at the University of Wisconsin and fellow at the Institute for Social Policy and Understanding, and Rev. Dr. Welton Gaddy, president of Interfaith Alliance and host of the radio show "State of Belief." We are going to talk today about Shari‘ah—what it is and what it isn't.

Asifa, I would like to start with you. Let me ask you that question. For folks who may think they know a bit about Shari‘ah or who have never heard the word before: What is Shari‘ah and what isn't it?

Asifa Quraishi: For Muslims, Shari‘ah is the way they believe God wants us to live in the world. One would look to a particular source of understanding of what God wants us to do and would follow that way. Shari‘ah literally means “way” or “street.” Shari‘ah would be the way or the path a Muslim would want to follow what God wants us to do as living our lives in a spiritual way.

What often gets mixed up and misunderstood are the particular details of laws that would govern an individual Muslim's life. So often people have heard of particular Islamic law, they will call it Shari‘ah, that might be disagreeing with some particular values of gender equality or human rights. That is generally where the concerns come up in the West.

I want to emphasize that the particular details—most of those are interpretations or understandings of that way. The word that is used to describe those interpretations or legal rules is the word *fiqh*, which literally means understanding.

If you have heard a particular rule for adultery or a particular rule for the basis of how one Muslim might get divorced, we are talking about *fiqh*. You are talking about individual interpretations by religious scholars of what Shari‘ah – God's way – should be in people's lives.

The history of Islamic law has been a multiplicity of *fiqh* interpretations and is still alive and well. Many new interpretations are coming out all the time. Some of the classical and new interpretations might disagree with some of the modern norms in the world and in the West, and others not.

It is important to understand the diversity that is really an attribute of Islamic law and not get caught up that it is some kind of rigid code that is unquestionable.

S: Welton, let me ask you a question about Shari'ah and comparing it and contrasting it with other faith traditions – say Christianity or Judaism teachings, practices, and civil law as well. Can you clear some of that up for us.

Rev. Dr. C. Welton Gaddy: I can certainly try. I will either clear it up or make people more confused. The operative word here is law. That is a problematic term if you think of law in the sense of what a legislature does in our country or what Congress does and you impose that view of law on religious law. That is not what religious law is.

You have just heard, in fact, a great example—a model description—of what religious law is. The purpose of religious law is to help people know how to show their devotion to God. To be obedient to the God they worship. The suggestions, the guidelines, the imperatives that we are referring to as law are not divine in origin. They are constructed by people—religious leaders—who have as their intent helping people know how to live a religious life.

Now—already we see the differences because civil law is something that is enacted by a governmental body. Its purpose is to have an organized community in which people don't run through traffic lights and you have some order involved. Civil law has a retribution. If you break it there are fines. There are levels of punishment. There can even be incarceration. And I am sad to say, sometimes now in the United States, it can even be death.

The hurt—and I am using hurt as an emotional word not a legal word—that comes from breaking religious law is I am failing in my devotion to God. I am not doing what God expects of me. I am not growing as a person of faith.

Now those are two very different definitions. So why is religious law—Shari'ah to be specific—feared in the United States? It is because, in history we have seen periods where Shari'ah in Islam, like the Levitical Codes in Judaism, have actually been merged—to a certain extent—with civil law in various places around the globe. If you go to Israel today, you will see that some of the Levitical codes and the Torah have actually been made civil laws in Israel.

You don't have the same problem within Christianity because in its formative years Christians were a minority and didn't have the opportunity to write so-called Christian laws. We have seen since then that when Christians have the opportunity to do that they go at it very vigorously and evangelistically. So we have had Christian amendments to

the Constitution. We have had laws at least proposed that would tell people on what day they can worship and on what day they can work.

One other comment. Religious law is distinctly different from civil law and the confusion between the two is not accidental. There are people in our nation who are working to confuse people in order to make people afraid of Shari'ah and thus to fear Islam because they think they can advance their particular political agenda by doing that.

The Constitution of the United States is in absolutely no danger of being trumped by anybody's religious law.

S: Thanks, Welton. That is an important thing to remember. And a final question for both of you is if there was one thing you wanted people to take away in terms of Shari'ah what is the one thing you would want them to remember? And also because it is being used as such a wedge issue these days—what is the one thing to be on the look out for? So if you hear these words or terms, a red flag should go up in your mind.

A: Well I always tell my law students that if you hear a sentence like “Shari'ah says x” or “Islam says x” you should probably realize that you aren't getting the whole story. That is because Islamic law itself has always been extremely pluralistic. I mentioned those interpretive schools. There are many schools of Islamic law. All of them are trying to articulate Shari'ah—God's way—for the people. But the healthy diversity of Islamic law has always existed and continues to exist today. What I would like people to take away is an appreciation that, a) they are probably not getting the whole story, and b) there might be part of that story that they are not hearing that they might actually agree with.

W: Let me just say that what I think is at stake here is the continuation of religious freedom as we have known it in this nation. It is never secure. It always has to be argued for.

The basic principle is that if there is hostility toward one religion in this nation there is hostility toward all religions in this nation. And you cannot say that Muslims can't try to follow the path they understand to God without putting in jeopardy whatever path you hold to getting to God.

That means we have to be vigilant with religious freedom support and it means that in an election year we have to be extremely sensitive to why politicians are saying what they are saying because nothing less is at stake than democracy as we know it.

S: Thank you very much. These are words worth remembering and thank you for being with us today.

W: Thank you

A: My pleasure.

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Sally Steenland is Director of the Faith and Progressive Policy Initiative at the Center for American Progress.

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