

ISLAM Glossary

Sharia, the law of the golden age?

Islamic Law, or **Shari'a**, is held by Muslims to be a complete legal system that governs every aspect of individual and social life and is derived directly from the **Quran and the Traditions and Sayings of the Prophet Muhammad** in the seventh century of the Christian Era.

Islamic fundamentalists demand the implementation of full Shari'a as a prerequisite for an Islamic state and under pressure from a wave of **popular Islamic fervour**, countries such as Iran, Pakistan and Sudan have made very public moves to introduce aspects of Islamic law. Supporters of political Islam often repeat the slogan that '**Islam is the solution**' and look back on the early days of Islam as a **golden age** when justice reigned supreme and Muslim civilisation became dominant in the world as a result.

In fact, there is **great controversy within the Muslim world** about what exactly a return to Shari'a would mean. For example, many leading thinkers in political Islam argue that punishments such as the cutting off of a hand for theft could only be enacted at a time when society was entirely just and there was no excuse for theft.

Scholars say it's also clear that, while many Muslim countries are now largely under legal systems they borrowed or inherited from European colonial powers, the idea that Shari'a was ever strictly enforced right across the board is **wishful thinking**.

Iran
Pakistan
Saudi Arabia
Nigeria
Sudan
Iraq (pre-war)
Egypt

Right from the earliest days, there were often **two roughly parallel systems of law** in Muslim societies and empires: religious law, which governed personal and family status, and civil administration, commerce and a large part of the public sphere which effectively came under civil law defined and administered by Muslim rulers.

And as Islamic Law developed over the centuries, **loopholes emerged** to smooth over rough points in various places at various times. For example, to counter the well-known punishment of death for adultery, a legal fiction known as 'al-rakid', or '**the Sleeping Foetus**', evolved whereby a widow could be held to be pregnant for up to two years after the death of her husband. To convict for adultery requires four eyewitnesses who must each state their testimony four times - and at any time a statement can be retracted without penalty to the witness. It has even been known for a judge to rule that a woman became pregnant because **she had sat on a bench in public baths** shortly after a man had sat on the same bench.