

Way to the watering place

Religions are not all the same.

The scholars of Islam made law their priority for more than a thousand years. That is strikingly different from the history of Buddhism or Hinduism.

A key principle of showing respect to people of other faiths is to resist the temptation to portray those faiths as reflections of one's own views. Respect for Muslims requires an appreciation for the importance which Muslims attach to Islamic Law.

The Arabic word *shariah* literally means "the way to the watering place." This gives an indication of the overwhelmingly positive way in which Muslims view Islamic Law. For Muslims law is a blessing, a mercy, a gracious gift from Allah. Post-Enlightenment westerners who view all authority with suspicion will need to make an effort of imagination to understand the approach of Muslims to their law.

Islamic Law is first of all divine. For Muslims, Islamic Law is not something which humans have invented for their convenience. It is not a matter of social tradition. It is not something which people deliberated over and voted on. Rather, it is guidance sent down to humanity from the Almighty Creator of the universe.

University of Victoria scholar Andrew Rippin, a world authority on the origins of Islam, writes that law developed into the controlling element of Islam's identity as a religion. Not only is theology subordinate in importance to law for Muslims, notes Rippin, but theology is in fact incorporated into the overarching legal framework.

Muslim scholars of shariah came to attribute the origins of Islamic Law to four sources: the Qur'an, the traditions of what the prophet of Islam did and said, *qiyas* or analogical reasoning, and *ijma* or consensus of the scholars. The next column in this series will show which of these sources became the most important for anchoring the authority of Islamic Law.

Shariah is the concept of the sacred law of Islam. The content of the law can be found in volumes of *fiqh*, or Islamic jurisprudence.

The development of Islamic Law in several centres of the Arab Empire in the early centuries of Islam resulted eventually in four "schools of law." There is indeed a range of

diversity within the many works of *fiqh* produced by these schools. But diversity should never be used to shut down rational debate about substance. As Norman Calder pointed out, the ‘works of rules’ share broad similarities as well.

One important similarity is that all works of rules begin with sections on the practices of Islamic ritual. Widely known as the ‘pillars’ of Islamic practice, they include ritual prayer, fasting, pilgrimage and the alms tax, plus in many works *jihad*. Further sections detail the laws of interpersonal acts, including family law, mercantile law, punishments specified by Allah, and judicial procedure. The topics of Islamic Law cover all the major categories of a pious and a social life. Calder insightfully described a work of *fiqh* as “a literary depiction of social reality in normative form.”

This sense of completeness in law—not a particular feature of many other faiths—is one of the most cherished aspects of Islam for Muslims.

Those who say that all religions are the same—even with the commendable aim to foster peace in a multifaith society—are not really helping to create the understanding they intend. Far more helpful is the encouragement of Yale scholar Lamin Sanneh to be open and honest about differences and express respect for others through lively interaction with those differences.

Such an approach will also be more useful in facilitating meaningful dialogue when differences of commitment lead to cultural clash.