

# Is the Sharee'ah flexible?

## Sharee'ah- Definition

**In linguistic terms**, sharee'ah refers to a water source, which is the source to which people who want to drink come, so they drink from it and fill their buckets, and perhaps bring their animals to drink from it as well.

Lisaan al-'Arab (8/175).

**In technical terms**, sharee'ah refers to the entire religion (Islam), which Allaah ﷻ has chosen for His slaves to bring them forth thereby from the depths of darkness into the light. It is what He has prescribed for them and what He has explained to them of commands and prohibitions, halaal and haraam.

*To summarize: Sharia is an Islamic religious law that governs not only religious rituals but also aspects of day-to-day life in Islam. Sharia, literally translated, means "the way."*

Allaah ﷻ says (interpretation of the meaning):

ثُمَّ جَعَلْنَاكَ عَلَىٰ شَرِيحَةٍ مِّنَ الْأَمْرِ فَاتَّبِعْهَا وَلَا تَتَّبِعْ أَهْوَاءَ الَّذِينَ لَا يَعْلَمُونَ

“Then We put you, [O Muhammad], on an ordained way [sharee'ah] concerning the matter [of religion]; so follow it and do not follow the inclinations of those who do not know”

[al-Jaathiyah 45:18].

## Need for the sharee'ah

Man's nature dictates that he can only function properly within a society, and a society depends for its existence on laws and regulations. Islam teaches that Allaah ﷻ has sent a series of messengers and prophets with divine laws for man's guidance from the very first day of his creation. The last Messenger was Prophet (ﷺ) who brought the final and the perfect message, Islam, as a guide for mankind till the end of time.

Many people think there is no need for God-made laws, we can make laws by ourselves. Islam believes that human being is a very sophisticated creature; and since he has not made his own body, nor did he create the world in which he lives, he, therefore, is not the best candidate for making laws about himself. Common sense says that when you buy a complicated equipment (for example, a computer), you should use it according to the "instruction manual" prepared by the manufacturer of that particular machine. Similarly, Allaah ﷻ, as the Creator of man and the earth knows better how the human being should live.

The "instruction manual" that Allaah ﷻ sent for us is the Qur'an. But human being is not just any ordinary machine; rather he is more complicated than the most advanced computer a human can ever produce. So Allaah ﷻ did not only send the Qur'an -- He also sent an instructor known as

Prophet (ﷺ). The Prophet of Islam (ﷺ) brought the Qur'an to us and also provided practical examples in his own life.

### **Sharee'ah is Easy and Flexible:**

Islam is the religion of mercy and kindness, the religion of tolerance and ease. Allaah ﷻ has not burdened this ummah (community, nation) with more than it can bear. Whatever good it does, it will be rewarded for it, and whatever evil it does, it will have to bear the burden of that sin, as Allaah ﷻ says (interpretation of the meaning):

لَا يَكْلِفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا ۗ لَهَا مَا كَسَبَتْ وَ عَلَيْهَا مَا اكْتَسَبَتْ ۗ

“Allaah burdens not a person beyond his scope. He gets reward for that (good) which he has earned, and he is punished for that (evil) which he has earned”

[al-Baqarah 2:286]

In yet another verse, Allaah ﷻ says,

وَجَاهِدُوا فِي اللَّهِ حَقَّ جِهَادِهِ ۗ بُؤِ اجْتَبَيْكُمْ ۗ وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ

“Strive hard in Allaah's Cause as you ought to strive. He has chosen you and has not laid upon you in religion any hardship” (22:78).

- ❖ The Prophet (ﷺ) said: “Religion is very easy and whoever overburdens himself in his religion will not be able to continue in that way. So you should not be extremists, but try to be near to perfection and receive the good tidings that you will be rewarded.” (Al-Bukhaari).

How great this hadith is! How comprehensive it is for all goodness, useful admonition and all-inclusive concepts! The Messenger of Allaah (ﷺ) established a great principle with the first sentence of this hadith, when he said: "Religion is very easy." This means it is made easy in its beliefs, mannerisms, actions, commands and prohibitions.

*The doctrine of Islam is sound and easy: is acceptable to healthy reason and upright nature and its obligations are also easy to carry out.*

- The five prayers are repeated five times every day and night, at the appropriate times.
- Zakaah is not required of any poor person who does not have wealth that reaches the nisaab or minimum threshold at which zakaah becomes due. Rather it is required of the rich so as to complete their religion and their Islam, to purify their wealth and their hearts, to ward off calamities from them and their wealth, to cleanse them of their sins, to offer comfort to the needy and to bring about harmony in society.
- As for fasting, it is obligatory for one month in a year

- With regard to Hajj, Allaah ﷻ has only enjoined it on the one who is able to do it, and only once in a lifetime.

In spite of all rituals of Islam which are very easy and have to do with the rights of Allaah and the rights of His slaves. They are easy in and of themselves. Nevertheless, if something prevents a person from doing things, such as sickness, travel and the like, Allaah ﷻ has granted some concessions, and waived some duties, or allowed doing them in a different way, as is well known...

*As for the flexibility it is witnessed in the principles of Sharee'ah:*

➤ **Necessities make prohibited things allowable**

Allaah ﷻ says:

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَلَحْمَ الْخِنْزِيرِ وَ مَا أَيْلَّ بِهِ لِغَيْرِ اللَّهِ ۖ فَمَنِ اضْطُرَّ غَيْرَ بَاغٍ وَ لَا عَادٍ فَلَا إِثْمَ عَلَيْهِ ۗ

But if one is forced by necessity without wilful disobedience nor transgressing due limits, then there is no sin on him." (Al-Baqarah 2:173)

**Explanation:** If a person is hungry and fears that nothing is available for him to eat except a forbidden thing, and he fears that if he does not eat it he would die, then he is allowed-rather obliged-to eat it, according to the opinion of the majority of the scholars.

➤ **Difficulties necessitate facilitation**

Allaah ﷻ says,

يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَ لَا يُرِيدُ بِكُمُ الْعُسْرَ ۚ وَ لَتُكْمِلُوا الْعِدَّةَ وَ لِتُكْبِرُوا اللَّهَ عَلَى مَا هَدَاكُمْ وَ لَعَلَّكُمْ تَشْكُرُونَ

“Allaah intends for you ease, and He does not want to make things difficult for you” (2:185).

Ayisha (رضي الله عنها) said:

“ما خيّر رسول الله صلى الله عليه وسلم بين أمرين إلا أخذ أيسرهما، ما لم يكن إثماً“

Whenever the Messenger of Allaah ﷺ (صلى الله عليه وسلم) was given an option of choosing between two things, he would choose the easier one as long as it was not sinful. ( Sahih Al- Bukhari)

**Explanation:**

1. Allaah ﷻ ordained combining between two prayers for a traveler who is on a journey as a form of removing difficulty from him
2. A sick person, who cannot pray in the standing position, is allowed to pray while seated.

*Some Areas where these principles are applied:*

## ✓ Illness (المرض)

The Prophet (ﷺ) spoke of the reward that a person can gain by practicing patience when tested by afflictions like illness.

Bearing in mind the weakness that prevents a person from sticking to the *Sharee'ah* rulings during illness, Islam exempts sick people from certain obligations. For example:

1. `Imran ibn Husain (رضي الله عنه) said: I had hemorrhoids, so I asked the Prophet (ﷺ) about prayer. The Prophet (ﷺ) answered:

**“Pray standing, or if you cannot, then sitting; and if you cannot, then lying on your side.”**  
(Al-Bukhari)

## ✓ Travel (السفر)

Traveling is part of people's normal life. People travel for Hajj, `Umrah, business, family visits, etc. The Prophet (ﷺ) said about the hardship of travel:

**“Traveling is a piece of torment; it prevents a person his sleep and food. So, when anyone of you has fulfilled the purpose for which he traveled, let him return quickly to his family.”**  
(Sahih Al-Bukhari)

Travelers are exempted from attending the Friday Khutbah and Prayer. Jaber (رضي الله عنه) narrated that (when the Prophet was in `Arafah during Hajj) *Adhan* and *Iqamah* were called and (the Prophet) prayed *Zuhr* and *Asr* and did not pray anything in between. (Sahih Al-Muslim)

## ✓ Forgetfulness (النسيان)

Humans are not perfect; the term human in Arabic (*Insan*) has the connotation of being forgetful. With this in mind, Islam lifted strains and brought ease in such situations when people fail to fulfill their obligations out of forgetfulness.

1. The Prophet (ﷺ) said:

**“My Ummah are excused of mistake, forgetfulness, and what they do under coercion.”**  
(Reported by Ibn Hazm in Al-Muhalla)

2. The Prophet (ﷺ) said:

**“If any one forgets a prayer, he should observe it when he remembers it; there is no expiation for it except that.”** (Sahih Al-Bukhari)

## ✓ Being under coercion (الإكراه)

Freedom of choice is well-established in Islam that it is applied even to the most important matter, namely the choice of religion. Allaah ﷻ said:

لَا إِكْرَاهَ فِي الدِّينِ

{ **There shall be no compulsion in religion** } (Al-Baqarah 2:256).

Unfortunately, people practice aggression toward each other and use power to implement what they want against the will of victims. Taking into consideration the lack of will and free choice in such situations, Islam brought ease in rulings related to the actions of a coercion victim:

The story of `Ammar ibn Yasser (رضي الله عنه) is well known and very relevant here: the people of Quraish tortured him until he uttered bad words against the Messenger (peace and blessings be upon him). When he complained to the Prophet about what had happened to him, the Prophet (ﷺ) asked him: “**How do you feel in your heart?**” `Ammar replied: “Settled in faith.” The Prophet (ﷺ) said: “**If they do it again (tortured `Ammar), do the same thing you did**” (Ibn Hajar)

## ❖ Conclusion:

Allaah ﷻ brought down revelation and initiated rulings to protect the human race and to fulfill humans' needs in harmony with their natural inclination (*Fitrah*). That is achieved through incorporating ease into the *Sharee'ah* and freeing it from any strains. He ﷻ said:

{**Allaah ﷻ would not place a burden on you, but He would purify you and would perfect His grace upon you, that ye may give thanks.**} (Al-Ma'idah 5:6).

These applications of hardship removal in Islam show the flexibility of sharee'ah, its practicality and its ability to fulfill the humans' needs at all times and in all places.'