

Children of a Lesser Sharia

I squirmed nervously in my chair at a recent interfaith conference as a dear colleague tackled the controversial topic: “Is Sharia compatible with the America Constitution?” Thankfully, he nimbly navigated the situation with declarations that sharia (Islamic law) melds with democratic, developed world values such as freedom of religion and expression (2:256), presumption of innocence (49:6), gender equity (4:32, 33:35), social safety nets (9:60), rule of law (33:60), and strong ethics (70:21-70:33). Indeed, the Quranic sharia is versatile, benevolent, and in tune with the laws of Western republics. However, there is another “lesser sharia”, as I call it, corrupted with non-Quranic, false traditions which promotes human rights violations and to a good extent is incompatible with civilized life. How did this divergence come to be?



Sharia is an Arabic word meaning “path to be followed” or “path to the watering hole”. Within two centuries of the death of Prophet Muhammad (S), the source of Islamic law became not only the Quran but also false histories and hundreds of thousands of supposed actions and sayings attributed to Prophet Muhammad. During that time period, 5 prominent imams, Abu Hanifa, Malik, Shafi’i, Hanbal, and Jafar, came to represent separate Islamic jurisprudence schools based on their interpretations of the corrupted sharia with rulings on topics as diverse as crime, marriage, trade, prayers, sexual intercourse, personal hygiene, etc. Hence, the lesser sharia and its various interpretations became codified as they are today. The supermajority of modern day religionists idolize these ancient imams. Challenge or reform of the ancient rulings is shunned by almost all scholars, deemed blasphemous by some.

The average Muslim is either blissfully unaware or in denial that human rights violations such as blasphemy and apostasy laws, child marriage, stoning, and gender oppression stem from the rulings of these ancient jurists. It is their lesser sharia which made it haram (forbidden) to pluck a stringed instrument and yet introduced the barbarity of stoning into Islamic law. Perhaps no other example of the corrupted sharia is as glaring as this: the Quran makes it possible for adulterers to be forgiven (25:68-71), marry (24:3), and there is no death penalty, but the lesser sharia prescribes stoning for sexual transgression! The Benevolent God of the Quran prescribes no worldly punishment for blasphemy or apostasy, but paranoid imams and caliphs could not stand dissidents, and hence tailored the lesser sharia to deliver death upon them. Muslim women under the lesser sharia must cover head to toe, but if the same woman is sexually assaulted, must produce four witnesses to the crime(!). Some corruption is rather comical: the lesser sharia forbids the playing of chess, deriving the ruling from supposed declarations of Prophet Muhammad. But it is well established by historians that Muslims were introduced to the game almost two centuries after his death.

It is understandable that critics may have reservations about beliefs based solely on the Quran as well. For example, polygamy may give pause to many. But does the Quran really make four wives some kind of norm? Certainly, no benevolent Supreme Being would assign four mothers-in-law to

any one man.

4:3: "If you (society) fear that you shall not be able to do justice with orphans, (as may happen in times of war), in order to accommodate widows and orphans, men of sound finances and character shall be encouraged to marry these widows; two, three, and four (4:127)."

The verse addressing polygamy is meant for times of post-war societal upheaval to help widows and orphaned children. Most modern societies have welfare systems that can support the disadvantaged, obviating the need for multiple marriage. Another common objection against Quranic Law is the hand amputation of thieves (5:38). But, in the Quran, the word for "hand" (yadd) also means "ability" and "cut" (qata) can mean "to disable" or "to bind" (26:49). Hence, jailing the thief is the punishment, unless he/she repents and makes amends (5:39).

In conclusion, the Quranic sharia flows well with the laws of the developed world. In contrast, much of the lesser sharia is contaminated with oppressive traditions and is not suitable for 7th century or 21st century life, for Western life or on any inhabitable planet for that matter. I assure my non-Muslim friends that in no way are Western Muslim citizens interested in passing laws of the lesser sharia into action here. And that is where the hypocrisy is self-evident. The same elephant in the room that the majority of Muslims and their traditionalist scholars do not want for themselves or their children, but refuse to challenge, continues to trample human rights all over the world. Hence, when a Bengali blogger is stabbed to death for blasphemy, when a 9 yr old is traumatized by her middle aged groom, or when a poor lady is stoned to death in Afghanistan, it is not only the perpetrators but the silent Muslim majority and enabling imams that are equally to blame. These Children of a Lesser Sharia must arise from their slumber and reclaim the Soul of Islam.
