

## Sharia- what is it?

Gernot Galib Stanfel

Primarily, Sharia is an Islamic academic discipline, often referred to as Fiqh. One could, with the caveat that every comparison has its limitations, perhaps best compare it to the Catechism for Catholics (not canon law!) and to Halacha for Jews. It is the normative teachings of the religion, from which the best behavior of individuals and the community in all aspects of life can be derived. However, it doesn't prescribe but rather derives, as it is not a compendium with headings and paragraphs but a dynamically evolving field with no codex of any kind. In principle, there is no question that cannot be addressed, but every guidance is always situation-dependent. Sharia is not a law, but legal principles (not laws!) can, or rather could, be derived from it under certain circumstances if the need arises and the conditions are met. These conditions, in turn, are derived from Sharia itself. This is because every life situation can be deduced from it, leading to an optimal course of action. The foundation is the Quran and the understanding of the meaning concerning the situation, time, and relevance of individual verses, as well as the sayings of Prophet Mohammed, known as Hadiths, providing responses to specific questions in particular situations.

To be able to act adequately based on this, one needs specialized studies and the corresponding permission based on the completed studies to make relevant statements. Even knowledge of the basics is highly complex, as one must assess which verse of the Quran was revealed on which occasion and in what context. It is also necessary to know the reliability and thus the normative permissibility of the individual Hadiths, classified into three categories based on the reliability of their transmission (very reliable, not so reliable, weak). Only after studying all relevant sciences does a scholar receive permission to make normative statements, which are never binding for the individual but serve as guidance. These statements, known as Fatwas, become binding only if the scholar holds a quasi-state legal function, which, however, is not granted by Sharia but by the respective community. This rarely happens, as state laws have fixed legal systems and do not provide for such functions, both in states with a Muslim majority population and in others. The nebulous fear that someone might introduce such functions into the state system, especially in criminal law, is a constructed and practically unfeasible idea. The claim that one wants to establish a quasi-parallel legal system is absurd because there are numerous laws in both state constitutions and criminal laws against it. Even if someone were to pursue such an idea, they would have no chance of practical implementation.

What actually exists are laws in individual states derived from this Islamic context, described here as cultural, such as aspects of private law in Israel or Jordan. However, these are always formulated laws and not Sharia itself.

Practically, every Muslim continually lives by Sharia if they are a believer, as all aspects of religiosity, prayer, behavior, interaction, and much more are either defined or, more significantly, answered through derivation based on the respective situation. Sharia cannot be introduced or prohibited; it is a fixed and integral part of lived and practical religious practice.

Since the Iranian Revolution in 1979, Sharia has been incorrectly but persistently described by either uninformed or intentionally misinforming journalists, "experts," or politicians as "Islamic law" or "legal code." The idea of religious law being equivalent to canon law, i.e., the church law of the Catholic Church, may be the inspiration for this misconception, even though Sharia has almost nothing in common with it. Canon law is the self-imposed law of the religious institution of the Catholic Church, prescribing its organization and possible sanctions for violations of its order, using paragraphs and sections. This is an evolution from Roman law. In contrast, Sharia has never been summarized or classified in any way as a codex or book because that is simply impossible and always will be. It is a pure analogy of derivation with infinite paths and branches that can yield clearly contradictory results, which, despite their contradictions, are precise Islamic statements and definitions.

Ignoring all of this, it seems that a false understanding of Sharia has entrenched itself in the consciousness of the non-Muslim population, unquestionably adopted and/or intentionally perpetuated by those with a hostile attitude towards Islam.

Meanwhile, the literal meaning of Sharia is quite different and beautiful: "The path to water!"