

Rules for Adopting Ideas

1. There is a difference between the ideas that relate to the creed and the hukum sharai (legal judgments) and the ideas that relate to the sciences, the arts, industry and inventions. Ideas that relate to the creed and sharia should not be adopted except those which were revealed to the Prophet Mohammed (peace be upon him) as Quran and Sunnah or what the Quran and Sunnah has directed to as with Ijma (the general consent of the prophet's companions) and Qiyas (reasoning by analogy). Whilst ideas that relate to the sciences, the arts, industry and inventions can be adopted if they do not object to Islam, this is according to the following evidences:

a. Muslim has narrated that the Prophet (peace be upon him) said "I am a human being like you, If I give you orders relating to your religion you have to abide by them and if I give you orders relating to anything of your worldly affairs then I am a human being. (That is, I could make a mistake.)"

b. What was narrated concerning the dusting of the palm trees, the Prophet (peace be upon him) said, "You are more aware of your worldly affairs."

Thus, anything not relating to the Islamic Sharia that is, the creed and the sharia judgments can be adopted as long as it does not conflict with Islam. However, if it is related to the Islamic Sharia it must only be adopted from what was revealed to Mohammad (peace be upon him).

2 The prophet (peace be upon him) has clearly and directly prohibited us to adopt anything outside of what he has brought us. The evidences of this prohibition is as follows:-

a. Muslim has narrated about Aisha that the prophet (peace be upon him) said "Anything innovated in our affair (Islam) is rejected."

b. Al Bukhari narrated about Abu Said Al Khudri that the Prophet (peace be upon him) said "You will follow the laws of the previous nations, span by span and cubit by cubit, even if they entered the hole of a lizard you will follow them when Abu Said Al Khudri asked the prophet (peace be upon him) "are they the Jews and Christians?" The prophet answered "Who else?"

All these evidences explicitly prohibit us from taking from other people, and so taking laws and constitutional articles other than Islam will be subject to this prohibition because it is an innovation in our (Islamic) affair, moreover an adoption of something other than Islam, following those who are similar to the Persians and Romans, that is, the English and French who are really, Romans. Thus, this abstraction is prohibited.

3 In cases where the prophet (peace be upon him) was asked about a judgment not revealed yet, he would not reply but would wait until the Judgment was revealed to him. The evidences for this are as follows:-

a. Al Bukhari narrated about Ibn Masoud, who said "The Prophet (peace be upon him) was asked about the spirit. He kept silent until the verse was revealed. "They will ask concerning the spirit say: The spirit is by command of my Lord and of knowledge you have been vouchsafed by little."

b. Also from Al Bukhari, "Narrated Jabir: The prophet (peace be upon him) and Abu Bakr came on foot to pay me a visit (during my illness) at Banu Salmals dwellings). The Prophet (peace be upon him) found me unconscious, so he asked for water and performed the abolution (Wodou) from it and sprinkled some water over me. I came to my senses and said: "Allah's Apostle, what do you order me to do as regards my wealth?" He did not reply till the verse of inheritance was revealed.

Thus, as the prophet did not express an opinion till a revelation was received, this represents an evidence that it is prohibited to adopt anything save the revelations

Allah has ordered us to obey the prophet Mohammed (peace be upon him) to adopt what he ordered us to and to give up what he prohibited. Allah has also commanded us to arbitrate by him, that is to

arbitrate according to what was revealed to him, that is the evidences according to what was revealed to him. The evidences supporting this are:

a. Allah says: "Whatever the Messenger gives you, take it, and whatever he forbids you abstain from it."

What is implied by this verse has been agreed upon as it is prohibited to take or adopt what he has not brought to us or not ordered us.

b. Allah says "But no, by the Lord, they will not believe (in truth) until they make you judge of what is in dispute between them."

c. Allah has blamed those who go to false deities for Judgment "Have not you seen those who pretend that they believe in that which is revealed to you, how they would go for judgment (in their disputes) to false deities when they have been ordered to adjure them. Satan would mislead them far astray."

The hukum sharai is the statement of the Legislator relating to the conduct of human beings. Accordingly Muslims are commanded to regulate their conduct with the Legislators statements i.e. Quran and Sunnah, and if they adopt anything that does not object to the Islamic Sharia then by inference they have taken something - different than the hukum sharai because they did not follow the hukum sharai itself, rather they adopted something which is not objecting to it. Thus, their adoption of something that does not object to the hukum sharai is a departure from the hukum sharai.

Even if someone adopts something which agrees with the hukum sharai but is not from Quran and Sunnah, this adoption is prohibited because it is not an adoption of the hukum sharai. It is an adoption of a judgment different than the hukum sharai, though agreeing with it. Hence, adoption is not an arbitration of What the Prophet Mohammed (peace be upon him) has brought to us, but an arbitration of something different, although it agrees with Sharia. For example, the sharai (legal) marriage consists of an offer and an acceptance pronounced as words of marriage in the presence of two Muslim witnesses. If a Muslim man and woman went to a church and a priest conducted the marriage bond according to the Christian System with words of marriage pronounced in the presence of two Muslim witnesses, their marriage would not be sharai, because they have followed in their conduct; the Misconstructed Bible. Also, if a Christian has died and his relatives have distributed his wealth according to Islamic law, as it is just and fair, and have produced a relevant document from a legal (sharai) court, they have not arbitrated to Islam as Islam but merely because it is a just system only.

One should not follow the hukum sharai because it is useful, just and fair, but because the Messenger of Allah (peace be upon him) has brought it and has ordered us to abide by it.

The Prophet's acceptance of preIslamic contracts was made by him as a Prophet, and the prophet's consent is a legislation as is his speech and conduct; moreover this consent is not permitted to him except as a prophet. Anything the Prophet said, enacted or consented is a revelation from Allah.

Thus, Pagan contracts which the Prophet (peace be upon him) has accepted are hukum sharai, even if they were pagan contracts before. This is because the prophet's acceptance of them changed them to legal even if they were traditions, when the Muslims followed such contracts on traditions after this they followed them as hukum sharai not as pagan contracts by any means. There are examples which demonstrate that the prophets companions understood his consent was a sharai evidence, for example, when the Muslims had ate a lizard in a meal in the presence of the Prophet (peace be upon him), his companions interpreted this as a permission for them to eat it even though the prophet (peace be upon him) ate nothing of it.

Al-Fajr Magazine, September 1985