

Legal Implication of Shar‘ Man Qablanā in the Islamic Shari‘ah Rulings

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Abstract

This study examines the Shar‘ Man Qablanā and its legal implication in the Islamic legal rulings among Muslims. The bone of contention in this study is that none can get the original version of these Shar‘ Man Qablanā rulings in a single legal compendium in the present time. Apart from this, the prophetic era of the last prophet of Islam is jurisprudentially believed to have eradicated the previous legal rulings of earlier people before him. With these statements of problem, the study seeks to answer the following research question: Can Shar‘ Man Qablanā be used as a source of rulings in Islamic Shari‘ah? Research methods employed in this study are expository, descriptive, and analytical. Conclusively, the study observes that Shar‘ Man Qablanā signifies that the source of all Islamic legal systems is the one and the same Lawgiver, i.e. Allah (SWT). It also signifies that the missions of all prophets and the subject matter of all heavenly-revealed scriptures are the same and are in concordance with one another. The study therefore recommends that contemporary Islamic jurists (Fuqahā) and Islamic legal theorists (Uṣūliyyūn) should create awareness about Shar‘ Man Qablanā legal rulings in the contemporary period. They should also issue a codified legal compendium on Shar‘ Man Qablanā so as to establish the concordance between it and the Shari‘ah legal system of the last prophet of Islam.

Keywords: Shar‘ Man Qablanā, Scope of Shari‘ah legal system, Legal Rulings, Legal Implication, Earlier Prophets.

التضمين القانوني لشرع من قبلنا في أحكام الشريعة الإسلامية

ملخص البحث

تبحث هذه الدراسة في شرع من قبلنا وتأثيره القانوني في أحكام الشريعة الإسلامية بين المسلمين. أساس الخلاف في هذه الدراسة هو أنه لا أحد يمكنه الحصول على النسخة الأصلية لأحكام شرع من قبلنا في مؤلف قانوني واحد في الوقت الحاضر. بصرف النظر عن هذا، يُعتقد فقهيًا أن العصر النبوي لنبي الإسلام الأخير قد قضى على الأحكام الشرعية السابقة للناس السابقين قبله. من خلال مشكلة البحث هذه، تسعى الدراسة للإجابة عن السؤال البحثي التالي: هل يمكن استخدام شرع من قبلنا كمصدر لأحكام الشريعة الإسلامية؟ مناهج البحث المستخدمة في هذه الدراسة تفسيرية ووصفية وتحليلية. تلاحظ الدراسة بشكل قاطع أن "شرع من قبلنا" يشير إلى أن المصدر لجميع الأنظمة القانونية الإسلامية هو مصدر واحد نفسه وهو الشارع أي الله (سبحانه وتعالى). كما يشير إلى أن رسالة جميع الأنبياء وموضوع جميع الكتب السماوية هي نفسها ومتوافقة مع بعضها البعض. لذلك توصي الدراسة بضرورة قيام الفقهاء والأصوليين المعاصرين بخلق وعي بأحكام شرع من قبلنا في العصر المعاصر. كما يجب عليهم إصدار مؤلف قانوني مقنن عن شرع من قبلنا وذلك لإثبات التوافق بينه وبين النظام الشرعي لنبي الإسلام الأخير.

كلمات مفتاحية: شرع من قبلنا، نطاق النظام القانوني الشرعي، الأحكام الشرعية، التضمين الشرعي، الأنبياء الأوائل.

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Contents

Introduction	119
Conceptualising Shar‘ Man Qablanā and Shari‘ah	120
Categories of Shar‘ Man Qablanā	121
Showcasing the Shar‘ Man Qablanā in the Scope of Shari‘ah Legal System	122
Conclusion	127
References	128
Endnotes	128

1. Introduction

Islam, as one of the religions in the contemporary time, serves as an avenue for Holy Communion between mankind and Allah (SWT). It is also a form of rendition of devotional service to Allah (SWT) through the man's faith and deeds. (al-Bannā, 1378AH and Mawdudi, 1986) were

right to have concluded in their view about world religion that Islam is a comprehensive and total way of life which deals with all spheres of human life as it leaves nothing untouched in the private and public affairs of mankind from the beginning to the end of the world.

This religion is not a mere collection of dogmas and rituals, but an embodiment of divine guidance for all fields of human life from the time of the first man and prophet Adam (AS) down to the last Prophet of Islam (SAW). Islam, as one of the Abrahamic and monotheistic religions of the world, has made a great impact on every sphere of human life. Its origin could be traced to the time of the first created man on the earth in the form of Prophet Adam (AS) and his family in line with their total submission to the divine instruction and guidance of Allah (SWT), their sole Creator.

In Islamic chronicle, all prophets of Allah (SWT) (Anbiyā') and their disciples are Muslims (Muslimūn). Despite this striking characteristic of Islam, it requires its adherents (Muslimūn) to believe that all the Abrahamic related and monotheistic religions of the world were revealed by Allah (SWT) and were intended for the service of Allah (SWT) but were later corrupted by the disciples of those missions after the demise of their prophets ('Abd al-'Atī, n. d.). Not only that, it is also a fundamental principle of Islam, that a sincere Muslim (singular word for Muslimūn) must believe in all the prophets of Allah (SWT) who were raised up for the guidance of mankind before the emergence of Prophet Muḥammad (SAW) in the sixth century of the Christian era, 570 C. E. precisely ('Abd al-'Atī, n. d.).

As a result of this development, Islam assumes the status of encompassing all the world religions under the umbrella of Abrahamic monotheistic faith and creed. In the same way, the Qur'ān, as a divine scripture of Islam, is a combination of all the sacred and divinely revealed scriptures which were revealed to the mankind. With this understanding, the entire human race, irrespective of their nationalities and languages were believed to have been created by Allah (SWT) for the purpose of His worship and obedience (Abdul-Khaliq, 1985). Hence, all the prophets and messengers are Muslims and some of them were given scriptures with legal connotation through which they carried out their mission among their disciples. These scriptures serve as manual syllabi of their prophetic mission and legal corpus of their religion to cater for the private and public life of themselves and their disciples. Out of many revealed scriptures which serve as legal system for mankind, only four of them are well known and they are the Zabūr which was revealed to Prophet Dāwūd, the Tawrah which was revealed to Prophet Mūsā, the Injil which was revealed to Prophet 'Īsā and the Qur'ān which was revealed to Prophet Muḥammad (SAW) (Abdul-Khaliq, 1985).

From the review of some literatures on Shar' Man Qablanā like "Shar' Man Qablanā" by Jalbānī (1434 AH), "Hal Shar' Man Qablanā, Shar'un Lanā" by Al-Uthaymīn (n. d.), "Qīṣaṣ al-'Anbiyā'" by 'Ibn Kathīr (1426 AH) and

"The Revealed Law Preceding the Shari'ah",⁽¹⁾ it was discovered that the statement of problem is that none can get the original version of these heavenly-revealed scriptures again in the present time although, it was believed in Islamic creed that some of their legal rulings have been summarised in the Qur'ān and authentic Sunnah of the Prophet (SAW). Secondly, the prophetic era of the last prophet of Islam is theologically believed to have eradicated the previous legal rulings of earlier people before him and all these legal rulings (Aḥkām) of these previously revealed scriptures of earlier people were popularly known as Shar' Man Qablanā.

It is on this line that this study aims at examining this type of legal rulings called Shar' Man Qablanā, seeking appropriate answer to the following research questions: what does Shar' Man Qablanā mean?, can it be used as a source of legal ruling in the contemporary period, if so, to what extent can it be employed in legal deduction in the principle of Islamic jurisprudence ('Uṣūl al-Fiqh)? What is its legal status in Shari'ah and Fiqh?

The study gives conceptual clarification of both Shar' Man Qablanā and Shari'ah, and the link between the two. It goes ahead to uncover the categories of Shar' Man Qablanā (earlier scripture-referred Shar' Man Qablanā and Qur'ān and Sunnah-referred Shar' Man Qablanā) with expository illustrations from the Qur'ān and Sunnah.

2. Conceptualising Shar' Man Qablanā and Shari'ah

The term 'Shar' is derived from the Arabic trilateral verb 'Shara'a' which means to enact, to make law, to prescribe (Cowan, 1976). Therefore, Shar' literally means enactment, law, prescription.

Technically, it means a heavenly-revealed canonical law or enactment which is binding on the people of the time.

'Man' is a relative pronoun in Arabic which means 'the one who, he who' while Qablanā is a combination of 'Qabl' and 'Nā'. Qabl means 'previous, former, earlier, before while 'Nā' is a possessive pronoun in Arabic which means 'us' in the position of object.

Shar' Man Qablanā literally means the legal rulings of those people who were before us (Cowan, 1976).

Technically, it means heavenly-revealed body of legal rulings of earlier prophets and messengers of Allah (SWT) for their respective communities or nations before the present community of the last messenger of Islam, Prophet Muḥammad and his followers (Ummah Muḥammadiyah) and which are approved and confirmed by the Qur'ān and Sunnah of Prophet Muḥammad (SAW) for the present Muslim communities.⁽²⁾

Islamic legal theorists maintain controversial opinions of whether Shar' Man Qablanā is applicable to all the Muslims of any age or not. On this disposition, Mālikī, Ḥanbalī and few Shāfi'ī Islamic jurists agree that Shar' Man Qablanā is meant for both earlier Muslims of the previous messengers of Allah (SWT) and the present Muslims who are the followers of Prophet Muḥammad (SAW). Majority of Islamic jurists from Shāfi'ī school of thought contest above-stated opinion that Shar' Man Qablanā is only meant for the previous prophets and their followers, not for the present Muslims.⁽³⁾

The Qur'ān 42: 13 reads:

﴿شَرَعَ لَكُمْ مِنَ الدِّينِ مَا وَصَّى بِهِ نُوحًا وَالَّذِي أَوْحَيْنَا إِلَيْكَ وَمَا وَصَّيْنَا بِهِ إِبْرَاهِيمَ وَمُوسَى وَعِيسَى أَنْ أَقِيمُوا الدِّينَ وَلَا تَتَفَرَّقُوا فِيهِ﴾

"He (Allah) has ordained for you the same religion which He ordained for Nūḥ, and that which We have revealed to you, and that which We ordained for Ibrāhīm, Mūsā and 'Īsā saying you should establish religion and make no divisions in it."

The term "Shari'ah" is an Arabic word that emerged from the root verb "Shara'a" which means he introduced, enacted, prescribed, made or legislated law (Cowan, 1976). Literally, Shari'ah means a waterhole, drinking place, approach to a water hole or a path leading to water hole. Technically, it is a revealed and divined canonical law of Islam (Cowan, 1976). In the legal context of the term, Shari'ah is a detailed code of conduct regarding the ways and modes of worship and the rules to judge between right and wrong in all spheres of human life (Moshood, 1987).

3. Categories of Shar' Man Qablanā

There are two categories of Shar' Man Qablanā namely earlier scripture-referred Shar' Man Qablanā and the Qur'ān and Sunnah-referred Shar' Man Qablanā.

3.1. Earlier Scripture-Referred Shar' Man Qablanā

The Earlier Scripture-Referred Shar' Man Qablanā are the legal rulings of the earlier prophets and their people which could be found in the heavenly-revealed scriptures given to them. Some of these legal rulings are not mentioned in the Qur'ān and Sunnah of Prophet Muḥammad (SAW).

As a result of this development, some Islamic legal theorists from Shāfi'ī school of thought argue that these legal rulings are not bound on the present Muslims who are the followers of Prophet Muḥammad (SAW). Some Islamic legal theorists assert that this kind of legal ruling is not meant for the present community of Muslims (Ummah) because the details of the past legal rulings are not general ruling for every age and geographical location. Only the present Islamic legal rulings, Shari'ah (Islamic law) brought by Prophet Muḥammad (SAW) applies for every time and place (Sujarwo, n. d.).

Some of the instances of the earlier scripture-referred form of Shar' Man Qablanā are forty days annual fasting of Prophets Mūsā and 'Īsā and their disciples, suicide as a means of atonement for grievous sin committed by the earlier people, and flesh skimming of the affected spot of human's skin as a means of purification from the impurity of the spot among the earlier people of the previous prophets, sacrifice offering for sin atonement etcetera.⁽⁴⁾

3.2. Qur'ān and Sunnah-Referred Shar' Man Qablanā

Qur'ān and Sunnah-referred Shar' Man Qablanā are the legal rulings of the earlier prophets and their people which could be found in the heavenly-revealed scriptures given to them and were also confirmed in the Qur'ān and Sunnah of Prophet Muḥammad (SAW). The best samples of this form of Shar' Man Qablanā are the law of retaliation (Qīṣāṣ), obligations of prayer (Ṣalāh), charity (Zakāh),

fasting (Ṣawm) and pilgrimage (Hajj).⁽⁵⁾ This form of Shar‘ Man Qablanā can be classified into the following three kinds:

3.2.1. Those legal rulings of Shar‘ Man Qablanā which have been abrogated by the Qur‘ān and Sunnah of Prophet Muhammad (SAW).⁽⁶⁾ For instance, some of these legal rulings which are mentioned in either Qur‘ān or Sunnah is out-rightly outlawed by the duo through the theory of abrogation (Naskh). The best sample of this is the out-right rejection of unlimited polygamy, marriage with two blood-related sisters at a single period of time and marriage with one’s stepmother as highlighted in the Qur‘ān, 4:3 and the Qur‘ān, 4:23-24 respectively, the unlawfulness of meat and fat of oxen, sheep and undivided-hoofed or clawed animal for the Jews but which are made lawful for the present community of Muslims as indicated in the Qur‘ān, 6:146 which goes thus:

﴿وَعَلَى الَّذِينَ هَادُوا حَرَّمًا كُلُّ ذِي ظُفْرٍ وَمِنَ الْبَقَرِ وَالْغَنَمِ حَرَّمًا عَلَيْهِمْ شُحُومُهُمَا إِلَّا مَا حَمَلَتْ ظُهُورُهُمَا أَوْ الْحَوَايَا أَوْ مَا اخْتَلَطَ بِعَظْمٍ ذَلِكَ جَزَيْنَاهُمْ بِبَعْضِهِمْ وَإِنَّا لَصَادِقُونَ﴾

“And to those who were Jews, We made unlawful every animal having claws, and of oxen and sheep We made unlawful to them the fat of both, except such as was on their backs or the entrails or what was mixed with bones: this was a punishment We gave them on account of their rebellion, and We are surely truthful.”

3.2.2. Those legal rulings of Shar‘ Man Qablanā which were previously revealed and prescribed for the earlier prophets and their people, and they were not only meant for the earlier prophets and their people but they were also revealed and prescribed to the present community of Muslims (followers of Prophet Muḥammad) in as much as they do not run in contrary to the present Shari‘ah (Jalbānī, 1434AH). For instance, the obligation of fasting as indicated in the Qur‘ān, 2:183 which goes thus:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ﴾

“Oh, you who believe, fasting is prescribed for you, as it was prescribed for those before you, so that you may become God fearing”

3.2.3. Those legal rulings of Shar‘ Man Qablanā in which there is no legal conclusion on them on whether to abide with them or not (Jalbānī, 1434AH). The best sample of this legal ruling is the law of retaliation (Qīṣāṣ) as indicated in the Qur‘ān, 5:45 which goes thus:

﴿وَكُتِبْنَا عَلَيْهِمُ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ فَمَن تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ وَمَن لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ﴾

“And We prescribed to them in it that life for life, and eye for eye, and nose for nose, and ear for ear, and tooth for tooth, and (that there is) reprisal in wounds; but he who foregoes it, it shall be an expiation for him, and whoever did not judge by what Allah (SWT) revealed, those are they that are the unjust.”

Man has the legal right and choice to either apply the law of just retribution (Qīṣāṣ) to address the crime committed against him or to forgive the culprit through receiving the blood money (diyyah) or to forgive him without receiving the blood money.

4. Showcasing the Shar‘ Man Qablanā in the Scope of Shari‘ah Legal System

Shari‘ah is the revealed canonical law of Islam ordained by Allah (SWT) through His last Prophet of Islam, which is to be followed by every mankind. It is a detailed code of conduct and canon law from the Qur‘ānic and Sunnaic texts regarding the ways and modes of worship and the rules to judge between right and wrong in every field of human life. Shari‘ah is an Islamic law which regulates the physical and spiritual life of Muslims.

The essence of Shari‘ah in the daily life of Muslims cannot be over-emphasized because of its divine source, viability and effectiveness to solve both physical and spiritual problems of mankind (Adegoke, 2014).

This Shari‘ah could be classified into eight broad scopes namely; ‘Aqīdah, ‘Ibādah, Mu‘amalah, Akhlāq,

Siyar, Aḥwāl Shakhṣiyyah, Aḥkām Sultāniyyah, Ḥudūd wa 'Uqūbāt (Opeloye, 2005). The Qur'ān, 45:18 states:

﴿ثُمَّ جَعَلْنَاكَ عَلَىٰ شَرِيعَةٍ مِّنَ الْأَمْرِ فَاتَّبِعْهَا وَلَا تَتَّبِعْ أَهْوَاءَ الَّذِينَ لَا يَعْلَمُونَ﴾

"Then, we made for you a law from the command, so follow it, and do not follow the desire or lust of those who have no knowledge".

The present Sharī'ah or legal system given to the last prophet of Islam, Prophet Muḥammad (SAW) and his community of Muslims has a divine linkage with the Shar' Man Qablanā of the earlier prophets and their disciples. The rationale behind this development is not far-fetched; it is due to the single divine source of both legal systems and Islamic mission (Makinde, 2020). In this passage, we are going to showcase the continuation of Shar' Man Qablanā legal system in the present Sharī'ah legal system.

4.1 'Aqīdah (Islamic Creed)

'Aqīdah as one of the scopes of Sharī'ah simply means an Islamic creed. This scope deals with the aspects of the Islamic creed such as Tawḥīd which covers the details concerning the belief in the unity, uniqueness and existence of Allah (SWT), belief in His attributes, Kalimat al-Shahādah, and articles of Imān which entails the belief in, His messengers, angels, revealed scriptures, human destiny and Last Day.

It also includes some actions and beliefs that nullify the Islamic creed such as different forms of Shirk (polytheism) and Kufr (disbelief) (al-Faruqi, 2000). Shar' Man Qablanā of majority of the earlier prophets and messengers featured different forms of monotheistic creed which served as fundamental basis of their messages (Jalbānī, 1434AH). For instance, monotheistic diary of Prophet Ibrāhīm (AS) and some of the earlier prophets were showcased in the Qur'ān, 21:25 which goes:

﴿وَمَا أَرْسَلْنَا مِن قَبْلِكَ مِن رَّسُولٍ إِلَّا نُوحِي إِلَيْهِ أَنَّهُ لَا إِلَهَ إِلَّا أَنَا فَاعْبُدُونِ﴾

"And We did not send any Messenger before you (Oh Muhammad) but We revealed to him (saying): La ilaha illa Ana) none has the right to be worshipped but I (Allah) so worship Me (alone and none else)."

The Qur'ān, 21:36 also reads:

﴿قُولُوا آمَنَّا بِاللَّهِ وَمَا أُنزِلَ إِلَيْنَا وَمَا أُنزِلَ إِلَىٰ إِبْرَاهِيمَ وَإِسْمَاعِيلَ وَإِسْحَاقَ وَيَعْقُوبَ وَالْأَسْبَاطِ وَمَا أُوتِيَ مُوسَىٰ وَعِيسَىٰ وَمَا أُوتِيَ النَّبِيُّونَ مِن رَّبِّهِمْ لَا نُفَرِّقُ بَيْنَ أَحَدٍ مِّنْهُمْ وَنَحْنُ لَهُ مُسْلِمُونَ﴾

"Say (O Muslims): "We believe in Allah (SWT) and that which has been sent down to us and that which has been sent down to Ibrāhīm (Abraham), Ismā'īl (Ishmael), Ishāq (Isaac), Ya'qūb (Jacob), and to Al-Asbāt (the offspring of the twelve sons of Ya'qūb), and that which has been given to Mūsā (Moses) and 'Īsā (Jesus), and that which has been given to the Prophets from their Lord. We make no distinction between any of them, and to Him we have submitted (in Islam)."

Prophet (SAW) was reported to have said:

((نَحْنُ مَعَشَرُ الْأَنْبِيَاءِ أَوْلَادُ عِلَّاتٍ دِينُنَا وَاحِدٌ))

"We, the Prophets, are brothers with different mothers, but our religion is same." ('Ibn Kathīr, 1419AH)

4.2 'Ibādah (Devotional Deed)

This is the scope of Sharī'ah which deals with devotional aspects of worship which cover the five pillars of Islam, i. e. declaration of Shahādah, Ṣalāh, Zakāh, Ṣawm and Ḥajj as well as the obligatory and supererogatory devotional deeds.

Some of these obligatory and supererogatory devotional deeds are showcased in Shar' Man Qablanā of some of the earlier prophets and messengers of Allah (SWT) ('Abd al-Wahhāb, n. d.).

Samples of these devotional deeds in the contemporary Sharī'ah are annual obligatory fasting, fasting of Prophet Dāwūd and legal ruling governing Prophet Ibrāhīm's intended sacrifice of his child, Ismā'īl which was replaced by a ram and is still implemented by Muslims in the world.⁽⁷⁾ This is emphasized in the Qur'ān and Sunnah of the Prophet (SAW). The Qur'ān' 87: 14-19 reads:

﴿قَدْ أَفْلَحَ مَن تَزَكَّىٰ. وَذَكَرَ اسْمَ رَبِّهِ فَصَلَّىٰ. بَلْ تُؤْثِرُونَ الْحَيَاةَ الدُّنْيَا. وَالْآخِرَةُ خَيْرٌ وَأَبْقَىٰ. إِنَّ هَذَا لَفِي الصُّحُفِ الْأُولَىٰ. صُحُفِ إِبْرَاهِيمَ وَمُوسَىٰ﴾

"Indeed, whosoever purifies himself, remembers the name of his Lord, and performs Ṣalāh achieves success. Rather you

prefer the life of this world, although the Hereafter is better and more lasting. Verily, this is in the former Scriptures: the Scriptures of Ibrāhīm and Mūsā."

Also, the Qur'an, 53: 36-42 reads:

﴿أَمْ لَمْ يُنَبِّأْ بِمَا فِي صُحُفِ مُوسَىٰ وَإِبْرَاهِيمَ الَّذِي وَفَّىٰ. أَلَّا تَرَىٰ زُرَّةً وَزَرَ أُخْرَىٰ. وَأَنَّ لَيْسَ لِلْإِنْسَانِ إِلَّا مَا سَعَىٰ. وَأَنَّ سَعْيَهُ سَوْفَ يُرَىٰ. ثُمَّ يُجْزَاهُ الْجَزَاءُ الْأَوْفَىٰ. وَأَنَّ إِلَىٰ رَبِّكَ الْمُتَبَيَّنُّ﴾

"Or is he not informed with what is in the Ṣuḥuf of Mūsā and of Ibrāhīm who fulfilled that no burdened person (with sins) shall bear the burden (sins) of another; and that man can have nothing but what he does; and that his deeds will be seen; then he will be recompensed with a full and the best recompense; and that to your Lord is the End."

Prophet Dāwūd and his people were obliged to observe fasting on alternate days, that is fasting of one-day on, one-day off ('Ibn Kathīr, 1426AH). This fasting of Prophet Dāwūd is confirmed through several aḥādīth of Prophet Muḥammad (SAW) which go thus:

((أَحَبُّ الصَّلَاةِ إِلَى اللَّهِ صَلَاةُ دَاوُدَ عَلَيْهِ السَّلَامُ، وَأَحَبُّ الصِّيَامِ إِلَى اللَّهِ صِيَامُ دَاوُدَ، وَكَانَ يَنَامُ نِصْفَ اللَّيْلِ وَيَقُومُ ثُلُثَهُ، وَيَنَامُ سُدُسَهُ، وَيَصُومُ يَوْمًا، وَيَفْطُرُ يَوْمًا))

"The prayer (Sunnah) that Allah (SWT) loves most is the Prayer of Prophet Dāwūd, and the fast (Sunnah) that Allah (SWT) loves the most is the fasting of Prophet Dāwūd. He used to sleep half of the night, then pray one-third of the night, and sleep for one-sixth; and he used to fast for a day and breaks for the following day". (al-Bukhārī, 1401AH)

Another sample of devotional fasting which is also confirmed in the authentic Sunnah of Prophet Muḥammad (SAW) by the contemporary Shari'ah is the 'Ashūrā fasting which Jews used to observe on every tenth day of Muḥarram, in gratitude to Allah (SWT) for the safety of Prophet Mūsā and Israelites from the pursuit of Fir'awn (al-Bukhārī, 1401AH).

So, Prophet Muḥammad (SAW) also ordered his people to fast on the ninth and tenth day of Muḥarram so as to differentiate it from that of Jews ('Ibn Kathīr, 1426 AH).

4.3. Mu'amalah (Inter-personal Relationship)

This is the scope of Shari'ah which deals with human interaction and inter-personal relationships among one another such as trading and commercial transactions, Islamic economics and finances, farming, fishing, building, teaching, legal practice, engineering works, tailoring, transporting and all other lawful professions (Yusuf, 2011).

Shar'u Man Qablanā of the earlier prophets and their followers enjoins Muslims to engage in lawful commercial activities so as to earn lawful earnings and meaningful livings without necessarily being a burden on others. The Qur'an, 7:85 goes:

﴿وَإِلَىٰ مَدْيَنَ أَخَاهُمْ شُعَيْبًا قَالَ يَبْقُومُ عَبْدُ اللَّهِ مَا لَكُمْ مِنْ إِلَهِ غَيْرُهُ قَدْ جَاءَكُمْ بَيِّنَةٌ مِنْ رَبِّكُمْ فَأَوْفُوا الْكَيْلَ وَالْمِيزَانَ وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا ذَلِكُمْ خَيْرٌ لَكُمْ إِنْ كُنْتُمْ مُؤْمِنِينَ﴾

"And to (the people of) Madyan, (We sent) their brother Shu'ayb. He said: "O my people! Worship Allah! You have no other Allah (SWT) but Him. Verily, a clear proof (sign) from your Lord has come unto you; so give full measure and full weight and wrong not men in their things, and do not do mischief on the earth after it has been set in order, that will be better for you, if you are believers."

The Qur'an, 11:85-86 also reads:

﴿وَيَا قَوْمِ أَوْفُوا الْمِكَالَ وَالْمِيزَانَ بِالْقِسْطِ وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تَعْتُوا فِي الْأَرْضِ مُفْسِدِينَ بَقِيَ اللَّهُ خَيْرٌ لَكُمْ إِنْ كُنْتُمْ مُؤْمِنِينَ وَمَا أَنَا عَلَيْكُمْ بِحَفِيظٍ﴾

"And O my people! Give full measure and weight in justice and reduce not the things that are due to the people, and do not commit mischief in the land, causing corruption. That which is left by Allah (SWT) is better for you, if you are believers. And I am not a guardian over you."

4.4. Akhlāq (Ethics)

This is the scope of Shari'ah which deals with rules governing moral values and ethics such as justice, fairness, truthfulness, honesty, loyalty, decency, compassion towards others etc. Like the present Shari'ah, the Shar' Man Qablanā also upholds moral and ethical values for

the earlier prophets and their people, and that was the reason why it instructs those earlier prophets and their people to be righteous and honest to the point of highest order in their social interaction with their fellow beings in the society.

Without mincing words, Shar‘ Man Qablanā, during that age, developed a morally-decorum society where the virtues and righteousness were promoted as moral ideal and this is confirmed in the present Shari‘ah or legal system given to Prophet Muḥammad (SAW) in the Qur‘ān and Sunnah (Adegoke, 2011). Prophet Muḥammad (SAW) was reported by Abu Mas‘ūd ‘Uqbah bin ‘Amr Al-Anṣārī to have said:

((إِنَّ مِمَّا أَدْرَكَ النَّاسُ مِنْ كَلَامِ النَّبِيِّ الْأَوَّلَى إِذَا لَمْ تَسْجَحْ فَأَصْنَعْ مَا شِئْتَ))

“Among the things that people comprehended from the words of the earlier prophecy (was the statement): If it does not cause you to be ashamed, do whatever you wish”.

The Qur‘ān, 38:26 reads:

﴿يَا دَاوُدُ إِنَّا جَعَلْنَاكَ خَلِيفَةً فِي الْأَرْضِ فَاحْكُم بَيْنَ النَّاسِ بِالْحَقِّ وَلَا تَتَّبِعِ الْهَوَىٰ فَيُضِلَّكَ عَنْ سَبِيلِ اللَّهِ﴾

“Oh Dāwūd! Verily, We have placed you as a successor on the earth; so judge between men in truth and follow not your desire -- for it will mislead you from the path of Allah.”

It is reported in Ṣaḥīḥ Al-Bukhārī that the Prophet (SAW) said:

((إِذَا اجْتَهَدَ الْحَاكِمُ فَأَصَابَ، فَلَهُ أَجْرَانِ، وَإِذَا اجْتَهَدَ فَأَخْطَأَ، فَلَهُ أَجْرٌ))

“If the judge does his best, studies the case and reaches the right conclusion, he will have two rewards. If he does his best, studies the case and reaches the wrong conclusion, he will have one reward” (‘Ibn Kathīr, 1401AH).

It is also reported in Ṣaḥīḥ Al-Bukhārī that the Prophet (SAW) said:

((إِنَّ أَطْيَبَ مَا أَكَلَ الرَّجُلُ مِنْ كَسْبِهِ وَإِنَّ نَبِيَّ اللَّهِ دَاوُدَ كَانَ يَأْكُلُ مِنْ كَسْبِ يَدِهِ))

“The best food a man could eat what is earned by him, and the prophet of Allah, Dāwūd ate from what he earned from his own handiwork” (‘Ibn Ḥanbal, n. d.).

4.5. Aḥwāl Shakhṣiyyah (Law of Personal Affairs)

This is the scope of Shari‘ah which deals with the rules and regulations concerning the family affairs such as issues of marriage, divorce, inheritance, family ties and other family-related matters like marriage-related matters, family planning, child guardianship, child welfare, child adoption, etc.

It also covers the Shari‘ah methodology of managing these family affairs to the satisfaction of its members and to the pleasure of Allah (SWT). The main objective of Aḥwāl Shakhṣiyyah is to preserve the human race and continue the succession of generations (Lashin Fathi et. al, 2007). Shar‘ Man Qablanā of almost all the earlier prophets and their people touched this aspect of Shari‘ah popularly known as Aḥwāl Shakhṣiyyah. For instance, the Qur‘ān, 2:35 reads:

﴿وَقُلْنَا يَا آدَمُ اسْكُنْ أَنْتَ وَزَوْجُكَ الْجَنَّةَ وَكُلَا مِنْهَا رَغَدًا حَيْثُ شِئْتُمَا وَلَا تَقْرَبَا هَذِهِ الشَّجَرَةَ فَتَكُونَا مِنَ الظَّالِمِينَ﴾

“And We said: “O Adam! Dwell you and your wife in the Paradise and eat both of you freely with pleasure and delight, of things therein wherever you will, but come not near this tree or you both will be of the ḡālimīn (wrongdoers)”.

The Qur‘ān, 13:38 further says:

﴿وَلَقَدْ أَرْسَلْنَا رُسُلًا مِنْ قَبْلِكَ وَجَعَلْنَا لَهُمْ أَزْوَاجًا وَذُرِّيَّةً وَمَا كَانَ لِرَسُولٍ أَنْ يَأْتِيَ بِكَايَةٍ إِلَّا بِإِذْنِ اللَّهِ لِكُلِّ أَجَلٍ كِتَابٌ﴾

“And indeed We sent Messengers before you, and made for them wives and offspring. And it was not for a Messenger to bring a sign except by Allah's leave. (For) every matter there is a decree (from Allah)”.

The Qur‘ān, 31:13-15 also reads:

﴿وَإِذْ قَالَ لُقْمَانُ لِابْنِهِ وَهُوَ يَعِظُهُ يَبْنَىٰ لَا تُشْرِكْ بِاللَّهِ إِنَّ الشِّرْكَ لَظُلْمٌ عَظِيمٌ. وَوَصَّيْنَا الْإِنْسَانَ بِوَلَدِهِ حَمَلَتْهُ أُمُّهُ وَهَنَا عَلَىٰ وَهْنٍ وَفَصَّالَهُ فِي عَامَيْنِ أَنْ اشْكُرْ لِي وَلِوَلَدِكَ إِلَىٰ الْمَصِيرِ. وَإِنْ جَاهَدَاكَ عَلَىٰ أَنْ تُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِ عِلْمٌ فَلَا تُطِعْهُمَا وَصَاحِبُهُمَا فِي الدُّنْيَا مَعْرُوفًا وَاتَّبِعْ سَبِيلَ مَنْ أَنَابَ إِلَىٰ نَبِيِّ رَبِّكَ فَاَتَّبِعْ مَا كُنْتَ تَعْمَلُونَ﴾

“And when Luqmān said to his son when he was advising him: “O my son! Join not in worship others with Allah. Verily,

joining others in worship with Allah (SWT) is a great *ẓulm* (wrong) indeed. And We have enjoined on man (to be dutiful and good) to his parents. His mother bore him in weakness and hardship upon weakness and hardship, and his weaning is in two years -- give thanks to Me and to your parents. Unto Me is the final destination. But if they strive with you to make you join in worship with Me others that of which you have no knowledge, then obey them not; but behave with them in the world kindly, and follow the path of him who turns to Me in repentance and in obedience. Then to Me will be your return, and I shall tell you what you used to do.”

4.6. Ḥudūd wa ‘Uqūbāt (Crime and Punishment)

This is the scope of Shari‘ah which deals with the divine limit set up for mankind (crime) which should not be trespassed. It covers what constitutes crimes and the suitable punishment for them in Islam, crime determinant in Islam, nature of crime in Islam and crime preventive measures such as *maṣlaḥah*, *maqāṣid al-Shari‘ah*, *sadd al-dharā’i’*. It is not out of tune to mention at this juncture that Shar‘ Man Qablanā of some of the earlier prophets and their people touched this aspect of Shari‘ah which deals with reward and punishment.

The Qur’ān, 7:84 reads:

﴿وَلَوْطًا إِذْ قَالَ لِقَوْمِهِ أَتَأْتُونَ الْفَاحِشَةَ مَا سَبَقَكُمْ بِهَا مِنْ أَحَدٍ مِنَ الْعَالَمِينَ إِنَّكُمْ لَأَتَأْتُونَ الرِّجَالَ شَهْوَةً مِنْ دُونِ النِّسَاءِ﴾

“And Lūṭ, when he said to his people; “Do you commit lewdness such as none preceding you has committed in all of the nations? Verily, you practice your lusts on men instead of women.”

This is corroborated with some other Qur’ānic verses, 27:54-55 which also read:

﴿وَلَوْطًا إِذْ قَالَ لِقَوْمِهِ أَتَأْتُونَ الْفَاحِشَةَ وَأَنْتُمْ تُبْصِرُونَ. أَلَمْ تَكُنْ لَأَتَأْتُونَ الرِّجَالَ شَهْوَةً مِنْ دُونِ النِّسَاءِ بَلْ أَنْتُمْ قَوْمٌ يَجْهَلُونَ﴾

“And (remember) Lūṭ when he said to his people: “Do you commit immoral sins while you see?” “Do you practice your lusts on men instead of women? Nay, but you are a people who behave senselessly.”

For the Children of Israel, the Qur’ān, 5:45 reads again:

﴿وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأَذْنَ بِالْأَذْنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ﴾

“And We prescribed to them in it that life for life, and eye for eye, and nose for nose, and ear for ear, and tooth for tooth, and (that there is) reprisal in wounds; but he who foregoes it, it shall be an expiation for him, and whoever did not judge by what Allah (SWT) revealed, they are unjust.”

Prophet Muḥammad (SAW) was reported by ‘Abd Allāh bin ‘Umar that:

“A Jew and a Jewess were brought to the Messenger of Allah (SWT) on a charge of committing adultery (Zina). Prophet (SAW) asked them “What is the legal punishment (for this sin) in your Book (Tawrah)?” They replied; “Our priests have innovated the punishment of blackening the faces with charcoal and *Tajbiyyah*.” ‘Abd Allāh bin Salām said: “Oh Messenger of Allah, tell them to bring the Tawrah.” The Tawrah was brought, and then one of the Jews put his hand over the Divine verse of the *Rajm* (stoning to death) and started reading what preceded and what followed it. On that day, Ibn Salām said to the Jew: “Lift up your hand;” behold, the Divine verse of *Rajm* was under his hand. So, Allah’s Messenger ordered that the two culprits be stoned to death, and so they were stoned. Ibn ‘Umar added, so both of them were stoned at the Balat and I saw the Jew sheltering the Jewess” (al-Bukhārī, 1401 AH).

4.7. Aḥkām Sulṭāniyyah (Rule of Governance)

This is the scope of Shari‘ah which deals with the rules of governance in Islam. It covers the duties of community rulers, civic responsibility, rule of law, human rights, citizenship, etc. Governance in Shari‘ah legal system is a trust imposed upon mankind to render the selfless service to the citizens. Hence, an ideal ruler would try his utmost best to serve, guide and protect the citizens under him with justice and equity (Beekun & Badawi, 2004).

Shar‘ Man Qablanā of some of the earlier prophets who held the position of authority among their people in

their lifetime also touched this aspect of Shari'ah that deals with rule and governance.

The Qur'an, 27: 16 reads:

﴿وَوَرِثَ سُلَيْمَنُ دَاوُودَ وَقَالَ يَا أَيُّهَا النَّاسُ عَلِمْنَا مَنَطِقَ الطَّيْرِ وَأُوتِينَا مِنْ كُلِّ شَيْءٍ إِنَّ هَذَا لَهُ الْفَضْلُ الْمُبِينُ﴾

"And Sulaymān inherited from Dāwūd and said: Oh mankind! We have been taught the language of birds, and we have been given from everything. This, verily, is an evident grace."

According to Ibn Kathīr in his Tafsīr, what Prophet Sulaymān inherited from his father, Prophet Dāwūd, is not wealth, because if that were the case, Sulaymān would not have been singled-out out of several children of Dāwūd from his one hundred wives. The inheritance of Prophet Sulaymān is kingship (Mulkiyyah) because the prophethood (Nubūwwah) and the property of the prophets cannot be inherited in tandem with one of the sayings of Prophet Muḥammad (Ibn Kathīr, 1419 AH) which goes:

((نَحْنُ مَعَاشِرَ الْأَنْبِيَاءِ لَا نُورِثُ، مَا تَرَكَاهُ فَهُوَ صَدَقَةٌ))

"We Prophets cannot be inherited from; whatever we leave behind is charity."

Prophet (SAW) was also reported to have said:

((وَرِثَ سُلَيْمَنُ دَاوُدَ نِعَمَ الْعَبْدِ إِنَّهُ أَوَّابٌ))

"And Sulaymān inherited Dāwūd. How excellent a servant is, he is ever Oft-returning in repentance."

4.8. Siyār (International law)

This is the scope of Shari'ah which deals with the international and domestic affairs such as foreign relationships and diplomatic relations. The Qur'an 27: 34 says:

﴿إِنَّ الْمُلُوكَ إِذَا دَخَلُوا قَرْيَةً أَفْسَدُوهَا وَجَعَلُوا أَعْرَءَ أَهْلِهَا أَذِلَّةً وَكَذَلِكَ يَفْعَلُونَ﴾

"Verily, kings, when they enter a town, they destroy it and make the most honorable amongst its people the lowest. And thus they do."

The Qur'an 38:26 also says:

﴿يَا دَاوُودُ إِنَّا جَعَلْنَاكَ خَلِيفَةً فِي الْأَرْضِ فَاحْكُم بَيْنَ النَّاسِ بِالْحَقِّ وَلَا تَتَّبِعِ الْهَوَىٰ فَيُضِلَّكَ عَنْ سَبِيلِ اللَّهِ إِنَّ الَّذِينَ يَضِلُّونَ عَنْ سَبِيلِ اللَّهِ لَهُمْ عَذَابٌ شَدِيدٌ يَوْمَ نَسُوءُ يَوْمَ الْحِسَابِ﴾

"Oh, Dāwūd! Verily, We have placed you as a successor on the earth; so judge you between men in truth (and justice) and follow not your desire -- for it will mislead you from the path of Allah. Verily, those who wander astray from the path of Allah (SWT) shall have a severe torment, because they forgot the Day of Reckoning."

This Shar' Man Qablanā focuses on the international legal system concerning the maintenance of truth and justice in governance for the people in the positions of authority (Ulū al-'Amr) as it was enacted during the term of Prophet Dāwūd. This legal ruling is still in continuation in the modern Islamic legal system that the people in the position of authority should rule according to the truth and justice revealed in Shari'ah. They should not turn away from this legal ruling of governance in order not to be led astray from the jurisdiction of Allah (SWT).

5. Conclusion

This study has successfully examined the Shar' Man Qablanā of earlier prophets and their people, its divisions and its impact on the additional content of the present day Shari'ah jurisdiction in the scope of Islamic legal system among the Muslims. Having done this, the study observes that:

- Shar' Man Qablanā signifies that the single source of all Islamic legal systems is from the one and the same Law-Giver Allah (SWT).
- The earlier prophets and their people are Muslims under the divine guidance of Islam and Shari'ah legal system.
- Mission of all prophets and subject matter of heavenly-revealed scriptures are the same and are in tandem with one another.

The study, therefore, recommends that Islamic jurists (Fuqahā') and Islamic legal theorists (Uṣūliyyūn) should create awareness of the Shar' Man Qablanā legal

system and its linkage with the scope of the present Shari'ah legal system in the contemporary Muslim community (Ummah).

References

- Abd al Wahhab, M. n.d. *Kitab Al Tawhid*, Kuwait: International Islamic Federation of Student Organization.
- 'Abd al-'Ati, H. n.d. *Islam in Focus*, Nigeria: Islamic Publication Bureau, 13. Nigeria: Islamic Publication Bureau.
- Abdul-Khalik, A. 1985. *The General Prescripts of Belief in the Qur'an and Sunnah*, Canada: Revival of Islamic Heritage Society.
- Adegoke, K. A. 2014. "The Principle of *Sadd Adh-Dharā'īn* in the Shari'ah Framework: The Case of *Zinā* and *Sarqah*" in *Al-Fikr Journal of Arabic and Islamic Studies*, Vol. 26, Department of Arabic and Islamic Studies, University of Ibadan, 160.
- Adegoke, K.A. 2011. "Ethical Teaching of the Qur'an as a Vital Instrument of Social Harmony", in Akamidu R.A. (ed.) *Keffi Journal of Religion*, A Journal of Department of Religion Studies, Nasarawa State University, Nigeria. Vol. 1, 89-90.
- al-Banna, H. 1378AH. *Risālah al-Ta'alīm*. Lubnān: Dār al-'Andalus.
- al-Bukhārī, M. I. 1401AH. *Ṣaḥīḥ al-Bukhārī al-Jāmi' al-Ṣaḥīḥ*. Bayrūt: Dār al-Fikr.
- al-Faruqi, I. R. 2000. *Al-Tawhid, its Implications for Thought and Life*, U.S.A: The International Institute of Islamic Thought.
- Beekun, R. I and Badawi, J. 2004. *Leadership: An Islamic Perspective*, Maryland: Amana Publications,
- Cowan, J. M. 1976. *The Hons Wehr Dictionary of Modern Written Arabic*. U.S.A: Spoken Language Services Inc.
- 'Ibn Ḥanbal, A. n.d. *al-Musnad Li al-'Imām 'Aḥmad*. Bayrūt: Dār al-Fikr.
- 'Ibn Kathīr, I. U. 1419AH. *Tafsīr al-Qur'ān al-'Azīm*. Bayrūt: Dār al-Kutub al-'Ilmiyyah.
- 'Ibn Kathīr, I. U. 1426AH. *Qīṣaṣ al-'Anbiyā'*. al-Qāhirah: Dār 'Ibn Jawzī.
- Jalbānī, M. I. 1434AH. *Shar' Man Qablanā*. al-Sa'ūdiyyah: Jāmi'ah al-'Imām Muḥammad Bin Sa'ūd.
- Lashin, Fathi, Atiyyah, Jamal Al-Deen and Aamir, Abd El-Lateef. 2007. *The Islamic Charter on Family*, Egypt: International Islamic Committee for Women and Child (IICWC), and World Assembly of Muslim Youth (WAMY) at the World Islamic Council for Call and Relief, 55.
- Makinde, A. K. 2020. "Shari'ah, Peace-Building, Religious Harmony and National Integration" in Imam, Y. O *et al* (eds.), *Religion, Peace-Building and National Integration*, a Festschrift in Honour of Prof. Muibi Omolayo Opeloye, Department of Religious Studies, Faculty of Arts, Obafemi Awolowo University, Ile-Ife, Nigeria, 76-77.
- Mawdudi, A. A. 1986. *Towards Understanding Islam*, Kuwait: International Islamic Federation of Student Organizations
- Moshood, A. 1987. "Shari'ah and English Law: Some Basic Differences" in S.K. Rashid (ed.), *Shari'ah Social Changes and Indiscipline in Nigeria*. Lagos: Islamic Publication Bureau.
- Muslim, M. H. 1412AH. *Ṣaḥīḥ Muslim al-Musnad al-Ṣaḥīḥ*. Bayrūt: Dār al-Fikr.
- Opeloye, M. O. 2005. "The Sustainability of Shari'ah in a Pluralistic and Democratic Nigeria", 5th Faculty of Arts Guest Lecture Series, Lagos State University, Ojo, Lagos, Nigeria.
- Sujarwo, O. A. n.d. *Syar'u Man Qablana*, (E-book PDF), a Seminar paper presented, UIN Walisongo Semarang, 8.
- Yusuf, T. A. 2011. *Islamic Economic System* (ISL 058), Nigeria: National Open University of Nigeria (NOUN).

Endnotes

- (1) The Revealed Law Preceding the Shari'ah. Retrived from: https://islamicbankers.files.wordpress.com/2015/08/the-revealed-law-preceding-the-shari_ah-121.pdf
- (2) Ibid.
- (3) Shar'u Man Qablana. Retrived from: <https://www.slideshare.net/HabibJoelAlMukhlis/sharu-man-qablana-34370162>
- (4) Ibid.
- (5) al-'Uthaymīn, M. n.d. Hal Shar' Man Qablanā Shar'un Lanā?. <https://www.youtube.com/watch?v=DjBiEtBugw>
- (6) The Revealed Law Preceding the Shari'ah.
- (7) Ibid.