

Embracing God By Embracing America: American Muslims, Shari'ah & the Constitution

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.” – Preamble of the First Amendment of the U. S. Constitution.

The Shari'ah – What Is It? *Maqâsid al-Sharî'ah* – what is it? Its classifications according to Imam Abu Ishaq Ibrahim bin Musa bin Muhammad al-Shatibi al-Gharnati [1388/790 AH], an Andalusian/Maliki scholar:

- **Necessities** [الضروريات].
- **Complementary Benefits** [الحاجيات].
- **Beautifications** [التحسينيات].

The **Necessities** [الضروريات] can also be classified into these **five categories**:

1. Preservation of religion [حفظ الدين].
2. Preservation of life [حفظ النفس].
3. Preservation of lineage [حفظ النسل].
4. Preservation of the mind [حفظ العقل].
5. Preservation of wealth/property [حفظ المال].

The *Shari'ah* is predicated on the benefits that can be reaped for individuals as well as for the broader community. This should **maximize benefits** [*maslahah*/مصلحة] and **reduce detriments** as much as possible.