

# SHARI'AH

The Path to a Successful Life



Mustapha Elturk

Second Edition



In the name of God  
The Most Compassionate  
The Ever Merciful



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PRESS

Repentance . Revitalization of Faith . Renewal of Covenant

Shari'ah: The Path to a Successful Life  
Second Edition  
By Mustapha Elturk

Edited by Melanie Elturk

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*This book is dedicated with respect and gratitude to the memory of the late scholar Dr. Israr Ahmad (رحمة الله) whose inspiration and guidance my own works might never have been written.*



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# What's New in the Second Edition?

Shari'ah: The Path to a Successful Life, second edition, is an improved version of the first edition published in 2012.

It became clear an additional edit was necessary to enhance the understanding of shari'ah to those outside the Islamic faith. Accordingly, the author re-published the book and covered a wider variety of topics for those outside the Muslim community.

The author engaged Christian clergy and other community leaders to review and critique the newly revised book under a new title, Sharia: The Untold Truth. The newly revised book was published in early 2021.

The newly improved version includes the debate and criticisms of the Islamic groups ISIS, Alqaeda, and Boko Haram. It also features ISIS' misuse and abuse of shari'ah. Over 125 internationally renowned scholars from around the world denounced ISIS and refuted its leader, Abu Bakr Al-Baghdadi. The executive summary and conclusion of that letter is in the appendix.

The revised edition also mentions the United States Supreme Court honoring Prophet Muhammad (ﷺ) as one of the greatest lawgivers of the world.

Prominent figures such as Imam Abdul Malik Mujahid, founder of Sound Vision; Jonathan Brown of Georgetown University; and author and Professor Tariq Ramadan of Oxford University, are quoted under the section, "What they Say about Shari'ah."

The book also includes a foreword by Dr. Robert Shedinger, a Professor of Religion at Luther College.

In order to keep the Muslim audience engaged with the newly improved version, the author decided to republish it under the original title, *Shari'ah: The Path to a Successful Life* with references to *ayat* and ahadith in Arabic.

We hope you find this new enhanced edition beneficial. May Allah (ﷻ) grant us the ability to live by shari'ah and pass this legacy onto others, ameen.

## Terms and Symbols

In order to preserve the Qur’anic terminology and Islamic tradition, the words, “*Ayah* (pl. *ayat*)” and “*Surat*” are used instead of verse and chapter respectively. Linguistically, *ayah* means a sign and for Muslims every *ayah* of the Qur’an is a sign of Divine Wisdom and Knowledge. Similarly, *sur*, the root word of *surat*, means a high wall similar to the high fortified wall that encompasses an olden city. Thus, a collection of *ayat* grouped together under a title resembles a city of Divine Wisdom and Knowledge.

جَلَّ جَلَالُهُ (جَلَّ جَلَالُهُ) - *Jalla Jalāluhu* - May His glory be glorified.

صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) - *Sallāl -lāhu ‘alayhī wa-sallam* - May Allah’s peace and blessings be upon him.

عَلَيْهِ السَّلَامُ (عَلَيْهِ السَّلَامُ) - *‘alayhis-salām* - Peace be upon him.

رَضِيَ اللهُ عَنْهُ (رَضِيَ اللهُ عَنْهُ) - *Raḍiya -lāhu ‘anhu* - May Allah be pleased with him.

رَضِيَ اللهُ عَنْهُمَا (رَضِيَ اللهُ عَنْهُمَا) - *Raḍiyal-lāhu ‘anhuma* - May Allah be pleased with both of them.

رَضِيَ اللهُ عَنْهُمْ (رَضِيَ اللهُ عَنْهُمْ) - *Raḍiya-lāhu ‘anhum* - May Allah be pleased with them.

رَحِمَهُ اللهُ (رَحِمَهُ اللهُ) - *Raḥimahu-llāh* - May Allah have mercy on him.

# Foreword

(From the *Sharia: The Untold Truth*)

For many Americans today, the word *sharia* strikes fear in their hearts. Over the last decade, many state legislatures have introduced anti-sharia laws, and a few have even passed them. The concept *sharia* conjures up images of medieval torture, beheading of infidels, and the brutal oppression of women. Some Americans fear that Muslim Americans harbor a secret desire to destroy the American constitutional system and replace it with sharia law. This irrational fear of sharia, fueled as it is by the deeply entrenched Islamophobic environment in which we live, is actually quite ironic. For as Feisal Abdul Rauf has argued, the American constitutional system shares many of its grandest ideals with the ideals of sharia. America may not always live up to those ideals, but Abdul Rauf is convinced that compared with many Muslim majority countries, America is actually one of the most Islamically oriented countries in the world! How can this be?

Steve Mustapha Elturk, in this excellent little book *Sharia: The Untold Truth*, may help us answer this question. By laying out the true objectives of sharia as they emerge from Islamic sources, he paints a picture of a framework for life that should sound quite familiar to Americans. When Elturk writes, “Sharia not only insists other faiths coexist with Islam, but also guarantees the protection of their houses of worship and properties,” is sharia not espousing a principle consistent with the religious freedom clause of the First Amendment to the U.S. Constitution? Is Elturk’s statement, “It (sharia) upholds the sanctity and sacredness of human life, and goes without saying that it is forbidden to kill any person without justification” really something that should prompt fear in Americans? And when we see that sharia protects the right to freedom, justice, and a basic standard of life, are we not in the company of an ideal we would all wish to strive for? When properly understood, sharia is simply not the scary oppressive idea that Islamophobic stereotypes try to create in our minds.

Proof of this can easily be found in the lives of American Muslim communities. Over the last decade, I have had the privilege of being hosted by Muslim communities from North Carolina to California and many places in between. I have often been struck by the dignity and respect for all people so apparent in these communities and the commitment to serve the greater good of their larger communities, the nation, and the world. If these are the kinds of people and communities sharia produces, then sign me up! We have nothing to fear from sharia or the Muslims in our midst. We have only to fear our own ignorance. Allow Steve Mustapha Elturk's *Sharia: The Untold Truth* to open your mind to a new and more positive way of viewing our Muslim neighbors, who, as much as anyone, want nothing more than to strive for a world of justice and peace.

Robert F. Shedinger, Ph.D.  
Professor of Religion  
Luther College

# Preface

The anti-Islam/ anti-shari'ah movement has created an opportunity for Muslims living in the West in general and in North America in particular to share their faith with others who are unaware of true Islamic teachings and shari'ah.

On the negative side, most Muslims have a limited understanding of Islam and shari'ah. They have reduced Islam to a mere dogma, set of beliefs, and social customs. Islam is a comprehensive way of life (*deen*) that includes both realms – the sacred and the profane; the spiritual and the secular. They have also reduced shari'ah to the *hudood* punishments, forgetting the main objectives of shari'ah, which include the preservation and protection of faith, life, posterity, intellect, and property. Shari'ah is the path that leads its followers to a good and happy life in this world and the next. It comes from the Creator, Allah Almighty, the main source of guidance, and from the tradition of Allah's last and final prophet and messenger, Muhammad (ﷺ), may Allah's peace and blessings be upon him, who, according to the Qur'an, was sent as a mercy to the worlds.

On the positive side, the whole world is discussing Islam. Muslims need to adopt a positive approach. Non-Muslims are willing to learn about Islam and shari'ah. I feel that Muslims are responsible to address pertinent issues on Islam and shari'ah with their non-Muslim neighbors. I also think that Muslims, particularly immigrant Muslims who decided to settle in America and the West, need to learn more about them. We need to learn about each other because of a desperate need for one another. Non-Muslims encounter their Muslim neighbors in hospitals and clinics, engineering firms, schools and colleges, etc. And there seems to be a force that is trying to polarize our communities and create a division, not only between Muslims and non-Muslims, but also among Muslims themselves.

The stereotypes that Muslims are here to impose their beliefs on non-Muslims, convert them to Islam, make their women wear hijab, take away their freedoms, and so on, are all false and baseless. Unless we Muslims learn what Islam really is and what shari'ah is all about, we will not be able to effectively communicate with others and live together in peace and harmony. The situation will remain hostile, while we look at each other with suspicion and distrust. Instead, we need to create a level of trust between us, Muslims, and our neighbors, the non-Muslims.

Because of the threats of the anti-shari'ah movement that has gained tremendous momentum in America, I was compelled to do something about it. I decided to deliver sermons and lectures on the subject of shari'ah to both Muslims and non-Muslims alike in the hope that Muslims will gain a greater insight on the subject that might help them dispel the fears and misconceptions non-Muslims may have, while helping the non-Muslims understand the truth about Islam and shari'ah and engage them in a healthy dialogue.

Non-Muslims' appetite for Islam is immense. In 2018, I conducted two classes on shar'iah at Macomb Community College's SOAR program in Michigan. SOAR stands for Society Of Active Retirees. The students are retired professionals, educators, bankers, etc. I had over 100 students in the shar'iah class and according to the organizer, my class had the maximum attendance. The organizer could not help but share the students' comments with me.

"Interesting overview."

"... One of the best lectures I have attended."

"Thank you for bringing this presentation to us. Well done!"

"Great explanation of the Quran. Very informative."

“I’m so glad I took this class. I learned a lot and look forward to future similar classes.”

“My fourth class on Islam. The Imam is a wonderful teacher. So glad these classes have been offered to benefit understanding of Islam.”

May Allah (ﷻ) guide all the people. Ameen.

I ask Allah (ﷻ) to make this humble effort of mine a beneficial one, to accept this work solely for His sake, and to forgive me and the editor for any mistakes or short comings we may have committed, for none is perfect except Allah Almighty, the All-Wise. And may Allah’s peace and blessings be upon His prophet and messenger Muhammad (ﷺ), his noble family and companions, and all the believers who tread their path. Ameen.

Mustapha Elturk

# Acknowledgments

All praise and thanks are due to Allah (ﷻ) for His guidance in this effort. Thanking people is one of the ways of thanking Allah (ﷻ). The Prophet (ﷺ) said, “Whoever does not thank people has not thanked Allah.”

My gratitude extends to Dr. Hatem Al-Haj from the Assembly of Muslim Jurists of America (AMJA), for reviewing the original manuscript (1<sup>st</sup> Edition) and for his valuable comments and intellectual advice that helped improve this work.

I am especially thankful to Bishop Don Kreiss of the Southeast Michigan Synod of the Evangelical Lutheran Church and Professor Robert Shedinger of Luther College, and author of “Was Jesus a Muslim?” and “Jesus and Jihad” who spent a substantial amount of time critiquing the book from a lens only they could have provided. Their incisive analysis and at times, challenges to the text, helped push me further in examining tough topics relevant to today’s world.

Many thanks to Rev. Daniel Buttry, the global consultant for Peace and Justice with International Ministries of the American Baptist Churches for providing invaluable insight and encouragement.

I would like to also thank my editor who happened to be my daughter, Melanie Elturk, an American born Muslim and attorney, for spending an enormous amount of time with me editing this latest edition. Her comments and critiques helped put the subject matter in the relevant context.

I must thank my wife Souad for her patience and support as I worked on this project.

Last but not least, all credit goes to the almighty God, Allah (ﷻ) who taught man that which he did not know.

*“(1) Read in the name of your Lord who created.*

*(2) (He) created man from a clinging substance.*

*(3) Read and your Lord is the most Bountiful.*

*(4) He who taught (the use of) the pen.*

*(5) Taught man that which he did not know.”*

*(al-Qalam, 96:1-5)*

# Why this Book?

This book is meant to clarify perceptions and inform beliefs about one of the most misunderstood topics in Islam – shari’ah. In the coming chapters, you will learn about the core principles, aims and objectives of shari’ah that have been distorted and misinterpreted which has led to widespread skepticism and criticism from the mass media for years. The definition of shari’ah is the path to living a moral and virtuous life individually and communally based on mercy and justice. Former scriptures, including the Torah and the Gospel, are earlier forms of shari’ah meant to guide the followers of Moses and Jesus, respectively, peace be upon them<sup>1</sup>. The Quran and the teachings (*hadith*) of Muhammad (ﷺ), are the main sources of guidance from which we derive shari’ah.

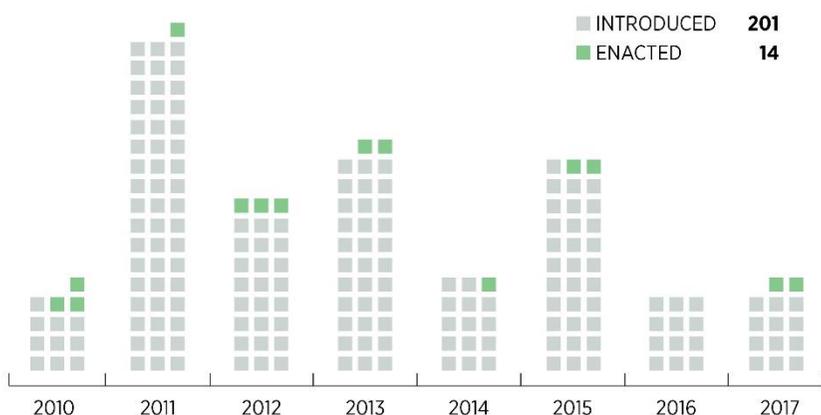
Today, Western politicians and mainstream media present shari’ah as a barbaric body of laws with no regard for democracy, human rights or women’s freedom, and instill fear and suspicion in the minds of millions. The emergence of Islamophobic movements in recent years position shari’ah at the center stage of Western public debate to the extent that “anti-Shari’ah” laws have been introduced in forty-three states with fourteen bills enacted including Texas and Arkansas.<sup>2</sup>

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<sup>1</sup> Invoking peace and blessings upon prophets and messengers of God whenever their names are mentioned is an Islamic tradition.

<sup>2</sup> Shanmugasundaram, Swathi. “Anti-Shari’ah law bills in the United States.” *SPLCenter*, SPLC South Poverty Law Center, 05 February 2018, [splcenter.org/hatewatch/2018/02/05/anti-shari’ah-law-bills-united-states](http://splcenter.org/hatewatch/2018/02/05/anti-shari’ah-law-bills-united-states)

## Anti-Sharia Law Bills in the United States Introduced and Enacted



Source: <https://www.splcenter.org>

“Shari’ah Law,” as it is commonly referred to, has been strongly criticized without a sincere effort to understand its origins and principles.

The fact is, shari’ah is the source of guidance for more than 1.6 billion Muslims worldwide that make up nearly a quarter of the world’s population. The teachings of shari’ah are part and parcel of Islam and cannot be separated. It informs the way in which Islam is practiced and is the blueprint to building strong individuals, families and societies. At a practical level, shari’ah gives guidance on our everyday lives: how to greet people; how and what to eat; what to look for in a spouse; intimacy and marital relations; personal hygiene; how to pray; how to treat your parents and neighbors; obligations to orphans and the poor; fulfilment of contracts and fair business dealings free from fraud; how to live a balanced physical and spiritual life; and how to worship God, among many other teachings.

One of the main criticisms put forth against shari’ah are the acts of so-called “Islamic groups” like ISIS and Boko Haram. One

may also question military dictators or monarchs who rule by oppression in direct contradiction to the most basic teachings of shari'ah; the preservation of life and human rights. In order to fully understand this deviation, one must recognize the historical context that led to these current phenomena.

After the demise of Prophet Muhammad (ﷺ), the Muslims were governed by the egalitarian reign of the first four Caliphs (Abu Bakr, Umar Bin al-Khattab, Uthman Bin Affan, and Ali Bin Abi Talib, may Allah be pleased with them, رَضِيَ اللهُ عَنْهُمْ). During the reign of Caliph Ali Bin Abi Talib (رَضِيَ اللهُ عَنْهُ), Muslims underwent the first civil war in 656 A.D., between the caliphate and their opposition which ended with the establishment of the Umayyad Dynasty in the 7<sup>th</sup> century followed by the Abbasid Dynasty in the 8<sup>th</sup> century (which lasted over 500 years until the 13<sup>th</sup> century). These dynasties distorted the spirit of the original caliphate by introducing monarch rule and authoritative autocracy. The *Bait al Mal* or financial institution responsible for the administration of taxes in Islamic states which was once for all people, particularly the poor and needy, became the personal bank accounts of the so-called Caliphs or Kings to build palaces and raise armies to protect the ruling elite. When these dynasties ultimately fell in the 13<sup>th</sup> century, they were eventually succeeded by the Ottomans. The Ottomans ruled for over 600 years until their reign came to an end as Western colonialism imposed their dominion which led to a dark period of division and disunity among Muslims. During this time, the Islamic empire that stretched from Arabia (including large territories of Asia) through Africa to the Iberian Peninsula was decimated into nation-states and the caliphate was officially abolished in 1924.

If the first blow at shari'ah occurred during the civil war of 656 A.D., which led to the creation of the dynasties and imperialism, the second blow occurred at the hands of Western colonization and the spread of secularism, which had a profound

effect on the implementation of shari'ah. Eventually, shari'ah was replaced altogether by western common law in most Muslim-majority countries.

During this time, the rich resources found in these regions were exploited by the direct rule of their colonizers. In many of these nation-states, puppet governments and military dictators subservient to the West were hand-picked and installed before their departure.

At the turn of the 21<sup>st</sup> century, the unilateral decision of the United States to invade Iraq under the guise of "weapons of mass destruction," was but a continuation of Western colonization and exploitation of resources that eventually gave rise to ISIS and similar groups.

As you will learn in the coming chapters, what ensued by these groups are acts so contrary to Islam and shari'ah that scholars refute members of these groups as Muslims altogether. The killing of innocent people, forced conversions, sex slaves and destruction of houses of worship among other abominable acts are indisputably foreign to Islam and the objectives of shari'ah. They justify their actions by misinterpreting and misrepresenting religious texts (Qur'an and *hadith*) in order to promote their political agenda. Regrettably, their actions are inextricably linked to Islam and Muslims. The result is a widespread campaign against shari'ah in the West, in addition to a profound identity crisis and widespread lack of confidence for Muslims worldwide.

Another note to keep in mind is the distinction between the principles of shari'ah and the current rule of law established in Saudi Arabia and Iran in particular, that have ultimately become synonymous with Islam and its teachings. Fanatical ideology with political undertones became so widespread in these countries that basic tenets of shari'ah including freedom of

religion, freedom of speech and the protection of human rights were violated so tremendously that it also contributed to the distortion of shari'ah. To say that Saudi Arabia and Iran are ruled by shari'ah is greatly inaccurate, to say the least.

As an Imam, lecturer, writer, scholar, and activist, I feel obligated to dispel misconceptions and educate the public about the truth of shari'ah. Admittedly, this exercise helped in gaining a greater insight into the subject matter, and as a practicing Muslim it reinforced my faith as well. The more knowledge we obtain, the more we are informed, the more we are able to judge fairly on the matter. It is now up to each of us to accept or reject what we hear about shari'ah in our daily lives.

# What they Say about Shari'ah

Abdul Malik Mujahid, who served as the Chair of the Parliament of the World's Religions from 2009 to 2015, wrote the following about shari'ah.

*You might have seen a government-required sign at a McDonald's restroom telling employees to wash their hands. Muslims do this as a part of living their faith, which is called shari'ah in Arabic. The Prophet Muhammad also encouraged Muslims to wash their hands before and after eating. Muslim parents raise their children on many such manners. The first chapter in almost all books on shari'ah is about morals and manners of cleanliness, which Prophet Muhammad said is half of the faith. God's peace and blessings be upon him.*

*When Muslims begin anything they say, "in the name of God." -- that is shari'ah. When they greet each other, they smile and say, "Assalamu Alaikum" (peace be with you) -- that is shari'ah.*

*Similarly, when Muslims take short breaks five times a day to pray, this is another example of practicing shari'ah. Prayer is normally the second chapter in almost all books about shari'ah.*

*Shari'ah does not present a comprehensive list of pure foods and drinks, although it prohibits ten or twelve things and declares everything else to be Halal or lawful to consume. If Muslims cannot find Halal food, they often eat vegetarian or kosher food. This is all shari'ah.*

*When you see a Muslim woman wearing a headscarf and a loose dress, or a Muslim man with a head covering or beard, they are likely following shari'ah manners of dress.*

*When in a marriage sermon you hear the Quran recited about piety, loyalty to each other, and God's advice for clear communication between spouses, that is a shari'ah wedding.*

*Muslims often avoid taking out mortgages due to the shari'ah prohibition on Riba (usury/interest). This has led to the establishment of the worldwide Islamic financial industry and Dow Jones Islamic*

*Market Indexes. The latter select companies that don't deal in weapons, pornography, gambling, tobacco, or alcohol, etc. These investments are similar to 30 other "faith-based" investment options, like the Catholic Values Index. These are examples of the practice of shari'ah in the realm of business.*

*All of the above are real-life examples of the totality of shari'ah as practiced by the observant among the close to six million Muslims in America and the 3,000 formal Muslim congregations in America. Muslim Americans include doctors, entrepreneurs, professors, cab drivers, and the geek fixing your computer. Their service to their communities is also an example of practicing shari'ah.<sup>3</sup>*



Jonathan Brown, the Associate Professor and Chair of Islamic Civilization in the School of Foreign Service at Georgetown University, wrote the following in his publication entitled, "Stoning and Hand Cutting – Understanding the Hudud and the Shari'ah in Islam."

*Often the only things people in the West associate with Islam are stoning and hand chopping. These images permeate our culture, from the trailer of hits like Robin Hood: Prince of Thieves (1991) to straight-to-cable pablum like Escape: Human Cargo (1998) (again, in the trailer... 'If you can't live by their rules, you might die by them'). There is no better example of how our society has consistently and profoundly misunderstood Islam and its tradition of law, known as the Shari'ah. Stoning and hand chopping do feature in the Shari'ah, but their actual function can only be understood by stepping back and examining how the Shari'ah conceives of law overall. Only then can we*

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<sup>3</sup> Mujahid, Malik. "Shari'ah and the Lives of Muslim Americans." *Huffpost*, Vertzon Media, 26 June 2011, [www.huffingtonpost.com/abdul-malik-mujahid/shari'ah-muslim-americans\\_b\\_880975.html/](http://www.huffingtonpost.com/abdul-malik-mujahid/shari'ah-muslim-americans_b_880975.html/)

*make sense of its severest corporal and capital punishments, known as the Hudud (pronounced Hudoood).<sup>4</sup>*



Tariq Ramadan, who served as professor of Contemporary Islamic Studies at the University of Oxford and was named one of the seven religious innovators of the 21<sup>st</sup> century by Time magazine, wrote,

*In the West, the idea of Shari'ah calls up all the darkest images of Islam: repression of women, physical punishments, stoning and all other such things. It has reached the extent that many Muslim intellectuals do not dare even to refer to the concept for fear of frightening people or arousing suspicion of all their work by the mere mention of the word.*

*It is true that scholars of law and jurisprudence have almost naturally restricted the meaning to their own field of study, that dictators have used it for repressive and cruel purposes, and that the ideal of the Shari'ah has been most betrayed by Muslims themselves, but this should not prevent us from studying this central notion in the Islamic universe of reference and trying to understand in what ways it has remained fundamental and active in the Muslim consciousness through the ages.<sup>5</sup>*

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<sup>4</sup> Brown, Jonathon. "Stoning and Hand Cutting – Understanding the Hudud and the Shari'ah in Islam." *Dr. Jonathan Brown*, 28 Feb. 2017, WordPress, [www.drjonathanbrown.com/2017/stoning-and-hand-cutting-understanding-the-hudud-and-the-shari'ah-in-islam/](http://www.drjonathanbrown.com/2017/stoning-and-hand-cutting-understanding-the-hudud-and-the-shari'ah-in-islam/)

<sup>5</sup> Ramadan, Tariq. ("The Way (Al-Shari'ah))." *Tariq Ramadan*, 5 Jan. 2017, [www.tariqramadan.com/english/the-way-al-shari'ah](http://www.tariqramadan.com/english/the-way-al-shari'ah).

# Introduction

Shari'ah has become one of the hottest topics of discussion and debate in the contemporary political discourse, particularly in the West. Politicians, think-tanks, media outlets, as well as law-enforcement agencies present shari'ah as a barbaric set of antiquated laws that have no regard for democracy, human rights, women's freedom, etc., when in reality, the opposite is true. Social welfare, freedom, human dignity, and human relationships are among the higher objectives of shari'ah (*Maqasid al-Shari'ah* مقاصد الشريعة). Shari'ah protects the inalienable rights of people, such as those pertaining to their individual faith, life, family, property, and intellect. There is an emerging Islamophobic and anti-Shari'ah movement in America to create doubt in the minds of the believers, and at the same time create fear in the hearts of non-Muslims.

It is an error to think of shari'ah as a "legal-politico-military doctrine," as some political activists claim. It is also incorrect to associate and restrict shari'ah only to the punitive laws of Islam.

The Qur'an is explicit on certain punishments, for example the death penalty for murder. The law under shari'ah for murder allows the death penalty, but is kinder than western law in one respect – after judicial judgement has been made, appeals are then allowed to the family of the murdered victims, and they are begged to be merciful. In Islam, it is always regarded the

height of mercy to forgive a murderer, even though one may have the right to take his or her life in reprisal. The article titled, "Father forgives and hugs man involved in his son's killing"<sup>6</sup> published by CNN in 2017, is a classic example of Islam's teachings. The father of a slain Muslim pizza delivery driver forgave and embraced the man who was sentenced to prison for playing a part in his son's death. The father, Abdul-Munim Sombat Jitmoud hugged the defendant, Trey Alexander Relford, who cried as it happened. The father said he did it in the spirit of Islam. "Islam teaches that God will not be able to forgive" someone until the person who was wronged forgives that person.<sup>7</sup>

The form of death penalty for murder is not specified in Islam. Beheading used to be regarded as the quickest and most merciful way, as in Roman law, and the French guillotine. These days other methods may find approval.

There are provisions for the death penalty for murder even in the common law. In fact, in the United States, there are federal laws that provide the death penalty not only for murder, but also civil rights offenses resulting in death (18 U.S.C. 241, 242, 245, 247), willful wrecking of a train resulting in death (18 U.S.C. 1992), death resulting from aircraft hijacking (49 U.S.C. 1472-73), espionage (18 U.S.C. 794), treason (18 U.S.C. 2381), and trafficking in large quantities of drugs (18 U.S.C. 3591 (b)).<sup>8</sup> There are also other state and federal laws such as aggravated kidnapping and aggravated rape that allow capital punishment when no death has occurred.<sup>9</sup>

Moreover, one has just to pick up and read the Old Testament to find that punishment by death is a law to be carried out on several religious, sexual, and other grounds.

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<sup>6</sup> <https://www.cnn.com/2017/11/08/us/family-forgives-convict-pizza-delivery-driver-death-trnd/index.html>

<sup>7</sup> *ibid*

<sup>8</sup> Sources: Bureau of Justice Statistics: Capital Punishment 2009.

<sup>9</sup> See for details <http://www.deathpenaltyinfo.org/death-penalty-offenses-other-murder> (accessed October 12, 2011).

Shari'ah is not and *cannot* be enforced in non-Muslim countries.

With the aid of the media, some Christian evangelists and right wing politicians have succeeded in creating a sense of tension, uneasiness and fear in the hearts and minds of the masses. Allegations are hurled that Muslims want to impose their beliefs on others, convert the masses to Islam, force women to wear *hijab* (headscarf) and deprive people of their freedoms. Such accusations are absolutely unfounded.

This state of affairs has engendered suspicion and hostility between Muslims and their non-Muslim neighbors in neighborhoods, offices, schools, colleges, shopping malls, factories, hospitals, parks, and other public places. Muslims should understand and gain some knowledge about shari'ah, to be able to effectively communicate with others and live with them in peace and harmony. Unfortunately, shari'ah has also been given a bad name, because of a few incidents of biased implementation of criminal law in a couple of Muslim countries. Such news items are blown out of proportion deliberately by the media and the power hungry politicians who always have an axe to grind.

Shari'ah is all-encompassing. Unlike civil and common laws, which focus only on some areas of public behavior, shari'ah covers all aspects of human life. Classical shari'ah is often divided into four parts: 1) Laws relating to personal acts of worship; 2) Laws relating to commercial dealings; 3) Laws relating to marriage and divorce; and 4) Penal laws. Simply put, shari'ah regulates public and private affairs of human beings with regulations for personal hygiene, diet, marriage, divorce, inheritance, ethics, morality, etiquette, customs, human rights, human relationships, sexual conduct, commercial transactions, international dealings, settlement of disputes, conduct in war and peace, felonies and misdemeanors, enjoining good and eradicating evil, and all matters of worship.

Shari'ah addresses many contemporary problems and provides solutions to the collective affairs of society as a whole.

One such example is the guidance shari'ah provides regarding the economic and financial system. Shortly after the 2008 financial meltdown, the Vatican indicated that the current capitalist system has failed. Pope Benedict XVI harshly criticized the capitalist system and the greediness of bank owners in the West. An article in the official Vatican newspaper, *L'Osservatore Romano*, stated that in this atmosphere of crisis, banks should take Muslims as an example, and that the Islamic finance system may pave the way for the establishment of new rules in the Western world.<sup>10</sup>

Shari'ah intends to facilitate ease in daily life and remove hardships.

يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ

*"Allah wants ease for you; He does not want hardship for you."* (al-Baqarah, 2:185)

It is unfortunate that a Muslim who firmly adheres to his or her faith is labeled an Islamic fundamentalist; an expression with negative connotations, which has become synonymous to one who is radical, extremist, or even a terrorist. However, the fact of the matter is that the true teachings of Islam warn against extremes and committing excess. Any Muslim who lives by the basic and fundamental teachings of his or her faith commits to a straight and middle path free from extremism. Indeed, extremism has no place in shari'ah given that moderation is among the primary teachings of Islam.

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<sup>10</sup> The Vatican's official newspaper, *L'Osservatore Romano*, in its 5 March, 2009 issue published an article titled, "Islamic finance proposals and ideas for the West in crisis," prepared by Italian economists Loretta Napoleoni and Claudia Segre, in which it was suggested that the basic rules of Islamic finance could relieve suffering markets and particularly international financial systems, noting that Islam prohibits "riba" (usury), and "sukuk bonds" (securities that comply with Islamic law), may be an alternative to interest. The article stressed that sukuk bonds are always real investments and never speculative.

وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا

*“And thus, We have made you a balanced (just) community.”*  
(al-Baqarah, 2:143)

Islam is the religion of *al-tawhid* (unity of God). There is no separation of church and state in Islam. Government, law, and religion are all one. This concept is alien to the modern western civilization, where there is a clear demarcation between the church and the state. The West rejects all notions of a mixture of religion and government. It has removed God from the central position He held as the giver of law. The essence of Islam is *tawhid*, which implies that God is involved in every aspect of a human's life and that He intervenes in history. Man is the most honored creature among His creation and has been entrusted with *khilafah* (vicegerency) of the earth. He has been endowed with a free will and blessed with the faculties of hearing, sight, and intellect in order that he may be tested. In their primordial stage when people were just spirits, all humans pledged to Allah (ﷻ) and acknowledged Him as their Lord and Master.<sup>11</sup> They were then placed on planet earth, each human being living for a specified time, destined for him or her. The very purpose of our life is to worship and obey our creator Allah (ﷻ) in all spheres of our lives.

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ

*“And I did not create the jinns and the humans except to worship (and obey) Me.”* (al-Dhariyat, 51:56)

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<sup>11</sup> This refers to *ayah* 172 of *Surat al-A'raf*, the meaning of which is: *When your Lord took out all their descendants from the loins of the children of Adam and made them testify against themselves, 'Am I not your Lord?' They said, 'We testify that indeed You are! 'Lest you say on the Day of Rising, 'We knew nothing of this.' (7:172)*

Our life on earth to be followed by death, moving on to the grave, or the state of *barzakh*, followed by resurrection and final judgment leading to our ultimate destination of eternal bliss or eternal doom. Hence, the truth that we belong to Allah (ﷻ) and to Him is our return.

إِنَّا لِلَّهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ

*"To God we belong and to Him is our return."* (al-Baqarah, 2:156)

Muslims believe that Allah (ﷻ) is the Master, the owner of everything, the sovereign, and the ultimate law giver.<sup>12</sup>

إِنَّ الْحُكْمَ إِلَّا لِلَّهِ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ ذَلِكَ الدِّينُ الْقَيِّمُ  
وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ

*"Authority belongs to God alone. He orders you to worship (and obey) none but Him. This is the true faith, though most people do not realize it."* (Yusuf, 12:40)

These metaphysical truths about our position on earth with respect to our creator and His creation are not quite comprehended by the right wing fundamentalists and perhaps by some Muslims as well. We have complete guidance from Allah (ﷻ). He guided man from the dawn of history; i.e., from the times of Adam (عَلَيْهِ السَّلَام) to Muhammad (ﷺ).

فَإِمَّا يَأْتِيَنَّكُمْ مِنِّي هُدًى فَمَنْ تَبَعَ هُدَايَ فَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ يَحْزَنُونَ

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<sup>12</sup> The fact of the matter is that Islam does not totally exclude human legislation. It only limits its scope and guides it on right lines. Human legislation, according to Islam, is and should be subject to the Supremacy of Divine law and within the limits prescribed by it.

*"When guidance comes to you from Me, whoever follows My guidance no fear shall come upon them, nor shall they grieve."  
(al-Baqarah, 2:38)*

As for those who do not follow the guidance, misery and grief will be their fate.

وَمَنْ أَعْرَضَ عَن ذِكْرِي فَإِنَّ لَهُ مَعِيشَةً ضَنْكًا

*"And whoever turns away from My remembrance will have a miserable life." (Ta Ha, 20:124)*

# Meaning of Shari'ah

What is shari'ah and what does it mean? The word shari'ah comes from the Arabic root letters (sheen ra 'ain ع ر ش) from which we have its verbal noun (shar'un شَرَعُ), which literally means a way or path, and by extension, the path to be followed. The original usage of the term meant, "the path that leads to water," since water is the source of all life. Hence, shari'ah metaphorically may be understood as the path to the source of life, fulfilling our spiritual thirst as human beings.

Shari'ah in Islam refers to divine laws, rules and regulations leading to a content life in this world and in the hereafter. The concept behind shari'ah is not unique to Islam and is found in nearly all of the world's great religions. The term shari'ah is also used to identify the Jewish, Christian, Islamic, and earlier shari'ah, meaning the divine laws, legal injunctions, and guidance revealed to the messengers of earlier faith traditions. The Abrahamic faith traditions have their own shari'ah. Moses received the Ten Commandments and the Torah incorporating the Mosaic Law. Jesus was given the Gospel, which confirmed the Torah; and some six centuries later, the Qur'an was revealed to Prophet Muhammad (ﷺ) introducing the final shari'ah for the benefit of humankind.

لِكُلِّ جَعَلْنَا مِنْكُمْ شَرْعَةً وَمِنْهَا جَا وَأَوْ شَاءَ اللَّهُ جَعَلْنَاكُمْ أُمَّةً  
وَاحِدَةً وَلَكِنْ لِيَبْلُوَكُمْ فِي مَا آتَاكُمْ

*“For each of you We made a Law (Shari’ah) and a clear path. And had Allah so willed, He would have made you one single community; but He wanted to test you in what He has given you.” (al-Ma’idah, 5:48)*

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

*“Then We set you (O Prophet) on a clear religious path (shari’ah); so follow it and do not follow the desires of those who have no knowledge (of the truth).” (al-Jathiyah, 45:18)*

The word shari’ah appears in the form of a verb (*sha-ra-’a* (شَرَعَ) in *ayah* 13 of *surat al-Shura*, or Consultation.

شَرَعَ لَكُمْ مِنَ الدِّينِ مَا وَصَّىٰ بِهِ نُوحًا وَالَّذِي أَوْحَيْنَا إِلَيْكَ وَمَا  
وَصَّيْنَا بِهِ إِبْرَاهِيمَ وَمُوسَىٰ وَعِيسَىٰ أَنْ أَقِيمُوا الدِّينَ وَلَا تَتَفَرَّقُوا فِيهِ

*“In matters of faith, He has ordained (sha-ra-’a) for you (O believers) what He enjoined upon Noah, which We have revealed to you (O Prophet), and which We enjoined upon Abraham, Moses, and Jesus, to establish the deen<sup>13</sup> and differ not in it.” (al-Shura, 42:13)*

In the same *surah*, the word also appears in its plural form (*shara’u* (شَرَعُوا))

أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُمْ مِنَ الدِّينِ مَا لَمْ يَأْذَنْ بِهِ اللَّهُ

*“Or do they have partners (of God) who ordain (shara’u) for them in the religion that which Allah has not authorized?” (al-Shura, 42:21)*

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<sup>13</sup> *Deen* means a way of life. Islam is not a religion in the narrow sense of the term as the word religion used today has a particular connotation. While religion may affect a religious person’s attitude, moral character, and behavior, the collective affairs of the people seem to be void from divine guidance in our present secular world. Islam demands God be at the center of all human affairs – the private and public. Thus, Islam is a *deen* or a way of life.

# Sources of Shari'ah

There are basically two sources of shari'ah: the Qur'an, which is the divinely revealed verbatim word of Allah (ﷻ), and the *Sunnah*, the divinely guided tradition of Prophet Muhammad (ﷺ), which includes his authentic sayings, commands, and practices.

Islamic jurisprudence or *fiqh* is often erroneously understood to mean shari'ah. There is a fundamental difference between shari'ah and Islamic jurisprudence (*fiqh*). While shari'ah is of divine origin, Islamic jurisprudence is the product of man's attempt to deduce rulings of shari'ah through the jurist's own intellectual exertion (*ijtihad*) suitable for a specific time and place.

Islamic jurisprudence interprets and extends the application of shari'ah to situations not directly addressed in the primary sources of the Qur'an and the Prophetic tradition by taking recourse to the secondary sources, which usually include the consensus of the religious scholars (*ijma'* إجماع) and analogies from the Qur'an and the prophetic tradition (*qiyas* قياس). While the Qur'an and the prophetic tradition are permanent and unchangeable, Islamic jurisprudence may change with the time and place, but live within the overall spirit and parameters of the two main sources. Furthermore, precedent alone does not affect

the rulings, rather the conditions and circumstances that may vary in different times and places.

With the social, political, and economic evolutions that have taken place over the past centuries and the current realities of the present century, it is only natural a new Islamic jurisprudence (*fiqh*) may emerge. While benefiting from the cumulative knowledge of the rulings of the schools of legal thought (*madhahib*),<sup>14</sup> the new Islamic jurisprudence may replace some of the earlier rulings, which were relevant to the time in which they were adjudicated by the founders of the schools of thought, but are no longer relevant today. It is important to note, however, that Islamic jurisprudence in any time-space context can in no way be contrary to the injunctions and the teachings of the Qur'an and the Sunnah.

Shari'ah relies on the Qur'an as the authentic text, which serves as a measure of other sources. In the past, orientalist have tried to subject the Qur'an to historical criticism in order to create doubt about its divine origin and authenticity, but to no avail.<sup>15</sup> Allah (ﷻ) has relieved Muslims from the responsibility of

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<sup>14</sup> *Madhhab* (pl. *madhahib*) is a school of thought. The four main schools of thought of the Sunni sect (mainstream Islam) are the Hanafi, Maliki, Shafi'i, and Hanbali, named after their founders. The majority of the Shi'as who are also known as *Shi'ah al-Imamiyyah al-Ithna Ashariyyah* (i.e., the Twelver Imami Shi'ites) follow the Ja'fari school of thought.

<sup>15</sup> Even non-Muslim scholars admit to the authenticity of the Qur'an. For example, Laura Vaccia Vaglieri (1893-1989), a pioneer of Arabic and Islamic studies in Italy, and professor at the University of Naples, has the following to say about the Qur'an, "On the whole, we find in it a collection of wisdom which can be adopted by the most intelligent of men, the greatest of philosophers, and the most skillful of politicians...But there is another proof of the Divinity of the Quran; it is the fact that it has been preserved intact through the ages since the time of its Revelation until the present day...Read and reread by the Muslim world, this book does not rouse in the faithful any weariness, it rather, through repetition, is more loved every day. It gives rise to a profound feeling of awe and respect in the one who reads it or listens to it...Therefore, above all, what caused the great and rapid diffusion of Islam was through the

preserving the Qur'an and has promised to guard and preserve the divine text Himself.

إِنَّا نَحْنُ نَزَّلْنَا الذِّكْرَ وَإِنَّا لَهُ لَحَافِظُونَ

*"It is We who have sent down the Reminder (Qur'an), and it is We who will preserve it." (al-Hijr, 15:9)*

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fact that this Book...was the book of Allah" (From Laura Veccia Vaglieri's book, *Apologie de l'Islamisme*).

# Objectives of Shari'ah

Shari'ah intends to preserve the welfare of people in this life and in the hereafter. The sources of shari'ah guide people to adopt a set of beliefs and practices that help them ward off evil, injury, misery, sorrow, and distress. These beliefs and practices are meant to result in benefit, happiness, pleasure, and contentment not only in this world, but also in the next. The Qur'an confirms,

فَأِمَّا يَا أَيُّهَا النَّبِيُّ فَمَنْ آتَىٰ بِكَ مِنَ الْكُفْرَانِ الْبَاطِلِ فَلَا يُضِلُّهُ وَلَا يَشُفُّهُ  
وَمَنْ أَعْرَضَ عَنْ ذِكْرِي فَإِنَّ لَهُ مَعِيشَةً ضَنْكًا

*"When guidance comes to you from Me, whoever follows My guidance will not go astray nor be unhappy, and whoever turns away from My remembrance will have a miserable life."  
(Ta Ha, 20:124)*

The goal of shari'ah is to protect and promote the inalienable rights of all people regardless of their belief, race, color, or gender. These protected rights pertain to one's faith, life, posterity, property, and intellect. Islam has, in fact, adopted two courses for the preservation of these five indispensables (*daruriyat*): the first is through cultivating religious consciousness in the human soul and the awakening of human awareness through moral education; and the second is through imposing deterrent punishments on individuals for the good of the society at large. This is consistent with other major bodies of religious law in the world, including Canon Law and the Torah.

# Preservation of Faith

## The First Objective of Shari'ah

Faith is the essence and spirit of human life and worship or *'Ibadah* is at the core of maintaining one's faith. For Muslims, the five pillars of Islam – testimony of faith (*shahadah*), prayers (*salah*), obligatory charity (*zakat*), fasting during the month of Ramadan (*sawm*), and pilgrimage to Mecca (*hajj*), are the basic tenets of their faith. Muslims profess their faith through a verbal testimony by bearing witness to the unity of God and the prophethood of Muhammad (ﷺ). Indeed, Muslims believe that Prophet Muhammad (ﷺ) is the seal of all God's prophets and messengers, in a chain that started with Adam and includes, among others, Nuh (Noah), Ibrahim (Abraham), Musa (Moses), and 'Isa (Jesus), peace be upon them all.

Muslims also express their faith through devotional practices. They perform five daily prayers; an act of worship that keeps them connected to their Lord. The very essence of prayer is to constantly connect with and remember Allah (ﷻ), as is evident in the Qur'anic *ayah* below, wherein Allah (ﷻ) introduced Himself to Musa (عَلَيْهِ السَّلَامُ).

إِنِّي أَنَا اللَّهُ لَا إِلَهَ إِلَّا أَنَا فَاعْبُدْنِي وَأَقِمِ الصَّلَاةَ لِذِكْرِي

*"Verily, I am Allah, there is no god but Me, so worship Me, and establish prayers for My remembrance." (Ta Ha, 20:14)*

Fasting (*sawm* صوم) during the month of Ramadan has been prescribed to Muslims in order to be mindful of Allah (ﷻ) and learn self-restraint.

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ  
مِنْ قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ

*"O you who believe, fasting is prescribed for you as it was prescribed for those before you, so that you may remain conscious of Allah." (al-Baqarah, 2:183)*

Obligatory charity (*zakah* زكاة) is another duty regulated by Allah (ﷻ) to ensure the poor and destitute are cared for and their basic needs are met. Just as prayer is a means to purify one's soul, alms-giving is a means to purify one's wealth and material possessions.

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَارْكَعُوا مَعَ الرَّاكِعِينَ

*"Establish (your) prayer, pay the prescribed alms (zakat), and bow (your heads in worship) with those who bow (theirs)." (al-Baqarah, 2:43)*

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ إِنَّ  
صَلَاتَكَ سَكَنٌ لَهُمْ وَاللَّهُ سَمِيعٌ عَلِيمٌ

*"Collect (O Prophet) Zakat (prescribed charity) from their wealth through which they may be cleansed and purified." (al-Tawbah, 9:10)*

One of the ways to attain righteousness is through charity.

لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا تُحِبُّونَ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فَإِنَّ  
اللَّهَ بِهِ عَلِيمٌ

*"None of you (believers) will attain (true) piety unless you give of that which you love. And whatever you give, Allah is well aware of it."* (Aal 'Imran, 3:92)

Finally, Muslims who are physically and financially capable to perform the pilgrimage (*hajj* حَج) must visit the sanctuary (*ka'bah*) raised and built by Ibrahim and Isma'il (عليهما السلام) in the city of Mecca in Saudi Arabia to seek forgiveness from their Lord and renew their covenant with Him.

وَأَتُوا الْحَجَّ وَالْعُمْرَةَ لِلَّهِ

*"Complete the pilgrimage (major and minor) for the sake of Allah."* (al-Baqarah, 2:196)

It is important to note that these modes of worship are specific to Muslims only. To compel non-Muslims to believe what Muslims believe and worship the way Muslims worship is against shari'ah. Shari'ah provides complete freedom to practice one's own religion. The Qur'an clearly states,

لَا إِكْرَاهَ فِي الدِّينِ

*"There is no compulsion in religion."* (al-Baqarah, 2:256)

وَقُلِ الْحَقُّ مِنْ رَبِّكُمْ فَمَنْ شَاءَ فَلْيُؤْمِنْ وَمَنْ شَاءَ فَلْيُكْفُرْ

*"Say (O Prophet), '(O people!) This is the Truth from your Lord. Now whoever so wills may believe and whoever so wills may disbelieve.'" (al-Kahf, 18:29)*

This freedom has been granted to man since the dawn of his existence.

هَلْ أَتَى عَلَى الْإِنْسَانِ حِينٌ مِّنَ الدَّهْرِ لَمْ يَكُن شَيْئًا مَّذْكُورًا (1)  
 إِنَّا خَلَقْنَا الْإِنْسَانَ مِنْ نُّطْفَةٍ أَمْشَاجٍ نَّبْتَلِيهِ فَجَعَلْنَاهُ سَمِيعًا بَصِيرًا  
 (2) إِنَّا هَدَيْنَاهُ السَّبِيلَ إِمَّا شَاكِرًا وَإِمَّا كَفُورًا (3)

*"Has there come upon man a period of time in which he was nothing worth mentioning? We created man from a drop of mingled fluid to test him; so We made him (a being) endowed with hearing and sight. Indeed, We have guided him the right path, (and now it is up to him to be) either grateful or ungrateful."* (al-Insan, 76:1-3)

Allah (ﷻ) has never left man unguided. Allah (ﷻ) blessed man with the faculties of hearing, sight, and intellect in order to use them to reach the ultimate truth: to accept God as his creator and Master and abide by His teachings. However, given free will to do good or evil, man may choose to not believe in God, or believe in God, and not comply with His teachings. Had Allah (ﷻ) willed, He would have made all people believe, but He did not do so in order to test man, whether he be grateful or ungrateful to his Lord.

لَوْ يَشَاءُ اللَّهُ لَهْدَى النَّاسَ جَمِيعًا

*"Had Allah so willed, He could have guided all of mankind."* (al-Ra'd, 13:31)

Shari'ah not only insists other faiths coexist with Islam, but also guarantees the protection of their houses of worship and properties.

وَأَوْلَا دَفَعُ اللَّهُ النَّاسَ بَعْضُهُمْ يَبْغِضُ هَؤُلَاءِ صَوَامِعَ وَيَبِغِ  
 وَصَلَوَاتٍ وَمَسَاجِدُ يُذَكَّرُ فِيهَا اسْمُ اللَّهِ كَثِيرًا وَلَيَنْصُرَنَّ اللَّهُ مَنْ  
 يَنْصُرُهُ إِنَّ اللَّهَ لَقَوِيٌّ عَزِيزٌ

*"Had it not been for Allah, repelling (the aggression of) some people by means of others, many monasteries, churches,*

*synagogues, and mosques where God's name is mentioned frequently would have been destroyed. Allah will certainly help those who help His cause, for; surely, Allah is powerful, mighty.” (al-Hajj, 22:40)*

Shari'ah respects the worth of every human being in his or her own belief and in the pursuit of life and truth.

During his lifetime, the Prophet (ﷺ) invited Jews and Christians to Islam. Some believed while others did not. Those who did not believe were not compelled to accept Islam. He hosted the Christian delegation of Najran with great hospitality and nobility despite the fact that they did not accept Islam even after engaging in a lengthy dialogue and debate. He even permitted them to perform their ritual worship in the mosque where he met the delegation. The Qur'an urges Muslims to engage with Jews and Christians, whom it calls the, "People of the Book" (*Ahl al-Kitab* أهل الكتاب), in matters which are common between them.

قُلْ يَا أَهْلَ الْكِتَابِ تَعَالَوْا إِلَى كَلِمَةٍ سَوَاءٍ بَيْنَنَا وَبَيْنَكُمْ أَلَّا نَعْبُدَ إِلَّا  
اللَّهَ وَلَا نُشْرِكَ بِهِ شَيْئًا وَلَا يَتَّخِذَ بَعْضُنَا بَعْضًا أَرْبَابًا مِنْ دُونِ اللَّهِ فَإِنْ  
تَوَلَّوْا فَعُولُوا أَشْهَدُوا بِأَنَّا مُسْلِمُونَ

*"Say (O Prophet), 'O People of the Book! Let us agree on a declaration between you and us; that we worship none but Allah; that we associate no partners with Him; and that none of us shall take others for lords beside God.' If they turn away, then say, 'you bear witness that we are Muslims.'"* (Aal 'Imran, 3:64)

The Qur'an condemns the sinful behavior of some Jews and Christians, however, it acknowledges and praises the righteous among the *People of the Book* while emphasizing the commonalities between them and Muslims.

لَيْسُوا سَوَاءً مِّنْ أَهْلِ الْكِتَابِ أُمَّةٌ قَائِمَةٌ يَتْلُونَ آيَاتِ اللَّهِ آنَاءَ اللَّيْلِ  
 وَهُمْ يَسْجُدُونَ (113) يُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ  
 وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُسَارِعُونَ فِي الْخَيْرَاتِ وَأُولَئِكَ مِنَ الصَّالِحِينَ (114)

*"They are not all alike. There are some among the People of the Book who are upright. They recite the ayat of Allah by night while they prostrate themselves (before Him). They believe in God and the Last Day, they enjoin what is right and forbid what is wrong and they are quick in doing good deeds. And (surely) they are among the righteous." (Aal 'Imran, 3:113,114)*

وَلَتَجِدَنَّ أَقْرَبَهُمْ مَّوَدَّةَ الَّذِينَ آمَنُوا الَّذِينَ قَالُوا إِنَّا نَصَارَىٰ ذَٰلِكَ بِأَنَّ  
 مِنْهُمْ قسيسينَ وَرهباناً وَأَهُمَّ لَّا يَسْتَكْبِرُونَ

*"And you will certainly find that the closest in affection to those who believe (Muslims) are those who say, 'We are Christians,' for there are priests and monks among them and they are not arrogant." (al-Ma'idah, 5:82)*

Shari'ah promotes peaceful coexistence irrespective of another's faith, creed, race, color, or gender. This pluralism was exemplified during the Prophet's arrival in Medina after migrating from Mecca (*hijrah*).<sup>16</sup> Upon arrival, he quickly implemented alliance pacts with different tribes and communities including the Jews. This ensured the safety and security of Medina against foreign aggression. All parties to the alliance, whether Muslim or not, were legally and morally bound to stand against their common enemy, if and when attacked. In the constitution of Medina drafted by the Prophet (ﷺ), the Jews in Medina were regarded as a community (*ummah*) alongside Muslims. Later, the Prophet (ﷺ) offered citizenship and cooperation to the Christians of Najran and undertook to give them protection for their land, property, churches, and

<sup>16</sup> *Hijrah* refers to the Prophet's migration from Mecca to Medina in 622 CE, signifying the beginning of the Islamic calendar.

commerce. According to a letter sent to them by the Prophet (ﷺ), they had the protection of Allah (ﷻ) and the protection (*dhimmah* ذممة) of Muhammad (ﷺ).

The Qur'an recognizes that all humans regardless of faith belong to one family and are considered equal.

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا  
وَقَبَائِلَ لِتَعَارَفُوا

*"O mankind! We created you from a male and female, and We made you into nations and tribes, that you may know one another."* (al-Hujurat, 49:13)

History is witness that religious freedom, a much debated topic today, was practiced centuries ago throughout the Muslim world. All religious communities had the right to exercise their own jurisprudence through their courts. Coexistence with people of other religions is rooted in the political system of Islam.

Non-Muslims have always been encouraged to participate and contribute to the intellectual and political life of the country under Islamic rule. Jews and Christians held key posts in public offices. The histories of the Abbasid, Mamluk, Ottoman, and Mughal dynasties in addition to Muslim Spain bear testimony that Jews, Christians, Muslims, and Hindus lived in peaceful coexistence. The spirit of Islamic shari'ah regarding pluralism and protection of faith of others is embedded in the Qur'an and practiced by Muslims spanning centuries.

Attempts to discredit, profane and burn the Qur'an is common in America. Objections and protests are often organized against shari'ah. Ignorant people display their bigotry and intolerance against Islam and Muslims through graffiti on walls of mosques and Islamic centers.

People of conscience from different faith tradition, on the other hand, side in solidarity with the Muslims against such extremism. All places of worship are to be protected.

وَلَوْلَا دَفْعُ اللَّهِ النَّاسَ بَعْضَهُمْ بِبَعْضٍ هَدَمْتَ صَوَامِعَ وَيَعُ  
وَصَلَوَاتٍ وَمَسَاجِدُ يُذَكَّرُ فِيهَا اسْمُ اللَّهِ كَثِيرًا وَلَيَنْصُرَنَّ اللَّهُ مَنْ  
يَنْصُرُهُ إِنَّ اللَّهَ لَقَوِيٌّ عَزِيزٌ

*"Had it not been for Allah, repelling (the aggression of) some people by means of others, many monasteries, churches, synagogues, and mosques where God's name is mentioned frequently would have been destroyed. Allah will certainly help those who help His cause, for; surely, Allah is powerful, mighty."* (al-Hajj, 22:40)

The laws of the Qur'an and the prophetic tradition (*Sunnah*) seek to promote what is good and forbid what is harmful. Scholars of Islam (*'ulama'*) have generally considered mercy (*rahmah*) and compassion to be the all-pervasive objective of shari'ah as it establishes justice and the preservation of faith.

# Preservation of Life

## The Second Objective of Shari'ah

In a prophetic tradition, Prophet Muhammad (ﷺ) is reported to have said on the authority of Abdullah Ibn Masud (رضي الله عنه),

لَا يَحِلُّ دَمُ امْرِئٍ مُسْلِمٍ يَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّي رَسُولُ اللَّهِ ، إِلَّا  
بِأَخْذِ ثَلَاثِ الثَّيِّبِ الرَّائِي ، وَالنَّفْسِ بِالنَّفْسِ ، وَالتَّارِكِ لِدِينِهِ  
الْمُفَارِقِ لِلْجَمَاعَةِ.

*"It is not permissible to take the life of a Muslim who bears testimony that there is no god but Allah, and I am the Messenger of Allah, except in one of three cases: the married adulterer, a life for life, and the deserter of his religion (Islam), abandoning the community (jama'ah) <sup>17</sup>." (Muslim)<sup>18</sup>*

One of the main objectives of shari'ah is to preserve the life of human beings. It upholds the sanctity and sacredness of human life and goes without saying that it is forbidden to kill

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<sup>17</sup> There is a difference of opinion among the scholars regarding apostasy. While most traditional scholars take apostasy to mean simply deserting Islam, most contemporary scholars are of the opinion that only those who abandon Islam and aid the enemy are guilty of apostasy, and hence are charged of treason, which is punishable by death.

<sup>18</sup> Muslim, A.H. (2007). *English Translation of Sahih Muslim*. Riyadh: Dar-us-Salam Publications.

any person without justification. This is clearly ordained by Allah (ﷻ) when He says,

وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ

*“And do not take the life which Allah has forbidden, except in the pursuit of justice.” (al-An’am, 6:151)*

مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا

*“If anyone kills a person; unless in retribution for murder or spreading corruption in the land; it is as if he killed all mankind, while if anyone saves a life, it would be as if he saved the lives of all mankind.” (al-Ma’idah, 5:32)*

In the event one is slain unjustly, shari’ah gives rights to the family of the victim.

وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَمَنْ قُتِلَ مَظْلُومًا فَقَدْ جَعَلْنَا لَوْلِيهِ سُلْطَانًا فَلَا يَسْرِفُ فِي الْقَتْلِ إِنَّهُ كَانَ مَنْصُورًا

*“And do not take the life which Allah has forbidden, except through (due process of) law. And if someone is wrongly killed, We have given authority to his next of kin (defender of his right). But he should not exceed the bounds (of equity) in taking life, for he will be helped (by the law).” (al-Isra’, 17:33)*

The heir of the murdered is afforded justice through the due process of law which entitles him to take recourse in one of the following: (1) demand law of equality in punishment (*qisas*), (2) accept blood money (*diya*), or (3) forgive the murderer.

According to Islamic law, murder is a personal crime, and the family of the murdered may have the final say in deciding the fate of the murderer by exercising one of these three legal

options.<sup>19</sup> This allows room for mercy and mutual benefit, particularly in cases where the murder is provoked. It also gives solace to the victim's family to know they have control over the process. This flexibility is not found under common law, which stipulates murder to be a crime against the state, and the family of the murdered has no influence over the outcome of the case, although the theory of restorative justice taking hold in the U.S. and elsewhere, which examines the relationship between the victim and offender, is suggestive of this principle of shari'ah.

As it relates to the preservation of life, there are limits during war as well that should not be transgressed. The Prophet (ﷺ) said, "Don't kill an elder or a child or a woman..." Abu Bakr, the first Caliph, in his address to Yazid Ibn Abu Sufyan, the commander of the army that went north to Greater Syria, said, "...I instruct you to fulfill the following ten orders: Do not kill a woman, nor a child, nor an old man; do not cut down fruitful trees; do not destroy (land or housing) in use; do not kill a goat or a camel unless for food; do not flood palm trees (with water) nor burn them down ..." <sup>20</sup>

In times of war only a combatant enemy (*harbi*) is permitted to be killed.

The killing of a Muslim by a fellow Muslim is a very grave sin. According to a saying narrated by Nafi' Bin al-Harith (رضي الله عنه), the Prophet (ﷺ) said,

إِذَا لَقِيَ الْمُسْلِمَانِ بِسَيْفَيْهِمَا ، فَأَلْقَا تِلْكَ وَالْمَقْتُولُ فِي النَّارِ ،

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<sup>19</sup> In circumstances where the homicide is treacherous (*gheelah*, or the act of luring a person to a secluded place and killing him), the punishment shall be death, because the will of the relatives of the deceased becomes irrelevant.

<sup>20</sup> Malik Ibn Anas, *Muwatta'* 918 (Abdel-Magid Turid ed. And trans., 1884.) This quote was narrated by Malik ibn Anas from the report of Yahya Ibn Sa'id in the chapter on Jihad in al-Muwatta'.

فَقُلْتُ : يَا رَسُولَ اللَّهِ ، هَذَا الْقَاتِلُ ، فَمَا بَأَلُ الْمُقْتُولِ؟ قَالَ : إِنَّهُ  
كَانَ حَرِيصًا عَلَى قَتْلِ صَاحِبِهِ.

*“When two Muslims fight each other with their swords, both the murderer and the murdered will go to hell. The companions of the Prophet were anxious to know as to why the murdered (the victim) would go to hell. The Prophet explained that the reason was that he too had the intention to kill his companion.” (al-Bukhari)<sup>21</sup>*

In another prophetic tradition, on the authority of Ara’ Bin ‘Azib (رضي الله عنه), the Prophet (ﷺ) said,

لِرَوَالِ الدُّنْيَا أَهْوَنُ عَلَى اللَّهِ مِنْ قَتْلِ مُؤْمِنٍ بِعَيْرِ حَقٍّ

*“If the world were to be destroyed, it would be of less importance to Allah than the killing of a believer without a just cause.” (Ibn Majah)<sup>22</sup>*

It is forbidden for Muslims to deliberately kill one another.

وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَأً وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً  
فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا فَإِنْ كَانَ  
مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَهُوَ مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَ مِنْ قَوْمٍ  
بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَدِيَةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَمَنْ لَمْ  
يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِنَ اللَّهِ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا

*“A believer should never kill another believer except by mistake. And whoever kills a believer by mistake he should free a believing slave and pay blood-money to the victim's family*

<sup>21</sup> Al Bukhari, M.B.I. (2003). *Al' Bukhari's Sahih: The correct traditions of Al' Bukhari*. Beirut, Lebanon: Dar Al-Kotob Al Ilmiyah (DKI)

<sup>22</sup> Al-Qazwini Ar-Rib'I, M.B.Y. (aka, Ibn Majah). Translator, al Sharif, M.M. (2008). *Sunan Ibn Majah: The Sixth Correct Tradition of The Prophetic Sunna*. Beirut, Lebanon: Dar Al-Kotob Al Ilmiyah (DKI)

*unless they forgo it as a charity. If he (the victim) is from a people who are hostile to you and is a believer, you should free a believing slave. If he is from a people you have a treaty with, blood money should be paid to his family and you should free a believing slave. Anyone who lacks the means should fast two consecutive months, atonement from Allah. Allah is All-Knowing, All-Wise.” (al-Nisa’, 4:92)*

The fate of Muslims who kill other Muslims intentionally is quite serious.

وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَعَذَابُ اللَّهِ عَلَيْهِ  
وَلَعْنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا

*“Whoever kills a believer intentionally, his recompense is Hell to abide therein forever; and Allah's wrath and curse are upon him; and a great punishment is prepared for him.” (al-Nisa’, 4:93)*

## **Suicide in Islam**

A main objective of shari’ah is to preserve the life of human beings. Provided he or she is of sound mind, committing suicide is prohibited, even if one is undergoing pain or agony; including hiring someone to take one’s life.

وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

*“And do not kill yourselves. Surely, Allah is most Merciful to you.” (al-Nisa’, 4:29)*

Abu Huraira (رضي الله عنه) narrated that the Prophet (ﷺ) said,

مَنْ تَرَدَّى مِنْ جَبَلٍ فَقَتَلَ نَفْسَهُ فَهُوَ فِي نَارِ جَهَنَّمَ ، يَتَرَدَّى فِيهِ  
خَالِدًا مُخَلَّدًا فِيهَا أَبَدًا ، وَمَنْ تَحَسَّى سَمًّا فَقَتَلَ نَفْسَهُ فَسَمُّهُ فِي

يَدِهِ يَتَحَسَّاهُ فِي نَارِ جَهَنَّمَ خَالِدًا مُخَلَّدًا فِيهَا أَبَدًا ، وَمَنْ قَتَلَ  
نَفْسَهُ بِحَدِيدَةٍ فَحَدِيدَتُهُ فِي يَدِهِ يَجُأُ بِهَا فِي بَطْنِهِ فِي نَارِ جَهَنَّمَ  
خَالِدًا مُخَلَّدًا فِيهَا أَبَدًا.

*“Whoever purposely throws himself from a mountain and kills himself will be in the fire of hell falling down into it and abiding therein perpetually forever; and whoever drinks poison and kills himself with it, he will be carrying his poison in his hand and drinking it in the fire of hell wherein he will abide eternally forever; and whoever kills himself with an iron weapon will be carrying that weapon in his hand and stabbing his abdomen with it in the fire of hell wherein he will abide eternally forever.” (al-Bukhari)<sup>23</sup>*

Suicide has assumed alarming proportions. Statistics show that approximately one million suicides take place each year<sup>24</sup>. There has been an increase by 60 percent in worldwide suicide rates in the last 45 years.<sup>25</sup> The reasons for suicides can be attributed to alcohol, gambling, and life punctuated with frustration and stress.

Euthanasia, the practice of intentionally ending life in order to relieve pain and suffering, is a contemporary medical issue that is debated in today’s society, but in Islam, there is no difference between killing a healthy person and a terminally ill patient, thus euthanasia is prohibited in Islam.

## Protection of Life by Virtue of a Pledge of Security

There are three categories of people who enjoy protection of life by virtue of a pledge of security. These are: (1) A person who belongs to a country at war with Muslims and is admitted to a Muslim country for some purpose through a pledge of security (*al-Musta'man*); (2) A person who belongs to a country

<sup>23</sup> Al Bukhari, M.B.I. (2003). *Al' Bukhari's Sahih: The correct traditions of Al' Bukhari*. Beirut, Lebanon: Dar Al-Kotob Al Ilmiyah (DKI)

<sup>24</sup> "Current Worldwide Suicide Rate." *ChartsBin*. Web. 16 Nov. 2011. <<http://chartsbin.com/view/prm>>.

<sup>25</sup> Ibid.

that has a temporary or permanent peace agreement with Muslims (*al-Mu'ahid*), and (3) A permanent non-Muslim resident in a Muslim country, (*al-Dhimmi*)<sup>26</sup>. When added together, all life is protected except for combatants in a state of war with Muslims.

It is reported that Abdullah Ibn 'Amr (رضي الله عنهما) said that the Prophet (ﷺ) said,

مَنْ قَتَلَ مُعَاهِدًا لَمْ يَرِحْ رَائِحَةَ الْجَنَّةِ ، وَإِنَّ رِيحَهَا تُوجَدُ مِنْ مَسِيرَةِ  
أَرْبَعِينَ عَامًا.

*"Whoever kills a person protected by the state (Mu'ahid), shall not smell the fragrance of heaven though it can be smelled from a distance of 40 years (of traveling)."* (al-Bukhari)<sup>27</sup>

In another prophetic tradition, he (ﷺ) said,

مَنْ أَمَّنَ رَجُلًا عَلَى دَمِهِ ثُمَّ قَتَلَهُ فَأَنَا بَرِيءٌ مِنَ الْقَاتِلِ وَإِنْ كَانَ الْمَقْتُولُ  
كَافِرًا.

*"If anybody provided a man with security and then killed him, I disavow the killer even if the killed person is a disbeliever."* (al-Bukhari)<sup>28</sup>

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<sup>26</sup> The term *dhimmi*, which is often misunderstood, was used to define the status of the Jews and Christians in an Islamic State. A *dhimmi* is one whose property, honor, and faith are protected. The protection is granted to him in religious, economic, and administrative domains by the Islamic State. In lieu of the *zakat*, which is paid by Muslims, as an integral part of their worship, *zakat* does not apply to *dhimmis* as they are not Muslims, and hence are levied the poll tax (*jizya*). With the spread of Islam, the term *dhimmi* became applicable to not only the Jews and Christians, but also Zoroastrians, Buddhists, Hindus, and Pagans among others.

<sup>27</sup> Al Bukhari, M.B.I. (2003). *Al' Bukhari's Sahih: The correct traditions of Al' Bukhari*. Beirut, Lebanon: Dar Al-Kotob Al Ilmiyah (DKI)

<sup>28</sup> Sahih al-Bukhari: al-Tarikh al-Kabir [Great History], 3/322, the phrasing is his. Ibn Hibban (5982). Al-Bazzar (2308). Al-Tabarani in al-Muagam al-Kabir [Great Lexicon] (64) and in al-Muagam al-Saghir [Small Lexicon] (38).

The Prophet (ﷺ) was quick to recognize the importance of peaceful co-existence among Muslims and non-Muslims who belonged to different tribes and subscribed to different beliefs. One of the three main endeavors the Prophet (ﷺ) executed in Medina was to make peace treaties with the three Jewish tribes of Banu Nadhir, Banu Qainuqa', and Banu Quraizah. The others were the construction of the mosque (*masjid*) and learning center and the establishment of brotherhood (*mu'akhat* مؤاخاة) between the emigrants of Mecca (*al-muhajirun*) and the helpers of Medina (*al-ansar*). The Prophet (ﷺ) also signed a ten-year truce pact with Quraish, the tribe that drove the Muslims out of Mecca, which has come to be known as the treaty of Hudaibiyah, and was proclaimed by Allah (ﷻ) as a manifest victory.

إِنَّا فَتَحْنَا لَكَ فَتْحًا مُّبِينًا

*"Verily, We have granted you a clear victory."* (al-Fath, 48:1)

The Prophet (ﷺ) without exception honored all treaties. This demonstrates how Islam underscores the dignity and value of all human beings regardless of their origin, race, religion, color, or ethnic background. The Prophet (ﷺ) used to tell his companions not to wish to meet their enemies in conflict, but if necessary, he asked them not to turn their backs in battle, and to be strong and patient.

It is absolutely forbidden in Islam for Muslims to kill or wage war against innocent people in majority non-Muslim countries, even if such countries are hostile to Islam and Muslims. Such acts are considered treachery and in violation of treaties of peace and security, and are detested both by Allah (ﷻ) and His Messenger Muhammad (ﷺ). Allah (ﷻ) said,

وَأَمَّا تَخَافَنَّ مِنْ قَوْمٍ خِيَانَةً فَانْبِذْ إِلَيْهِمْ عَلَى سَوَاءٍ إِنَّ اللَّهَ لَا يُحِبُّ  
الْحَائِنِينَ

*"If you (O Prophet) fear treachery on the part of a people, revoke your treaty with them mutually. For surely, Allah does not like treacherous people."* (al-Anfal, 8:58)

Additionally, the Prophet (ﷺ) said,

أَدِّ الْأَمَانَةَ إِلَى مَنِ اتَّمَمْتُكَ ، وَلَا تَخُنْ مَنْ حَانَكَ .

*"Return the trust to those who entrusted you and do not betray the one who betrays you."* (Ahmad)<sup>29</sup>

While adherents of other faiths misrepresent their religion, some Muslims misinterpret Islam by performing practices that are not based on the Qur'an and the prophetic tradition, but on fanaticism and tribal or cultural traditions. An example of this distortion is 'honor killing' that involves the killing of a person due to the belief of the perpetrators that the deceased brought dishonor upon the family or community. This is in absolute violation of shari'ah.<sup>30</sup>

## Abortion

Shari'ah demands complete respect of all creation including the fetus. In Islam, abortion or termination of the fetus would only be legitimate if the mother has a health condition that

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<sup>29</sup> Hanbal, A.B. (2012). *Musnad Imam Ahmad Bin Hanbal*. Riyadh: Dar-us-Salam Publications

<sup>30</sup> Dr. Jonathan A. C. Brown, an Associate Professor and Chair of Islamic Civilization at Georgetown University, and editor in chief of the Oxford Encyclopedia of Islam and the Law, has an interesting article on the subject of Honor Killing. "Islam is not the Cause of Honor Killings. It's Part of the Solution." The article can be found at <https://yaqeeninstitute.org/jonathan-brown/islam-is-not-the-cause-of-honor-killings-its-part-of-the-solution/>

makes the continuation of pregnancy a danger to her life. According to the majority of scholars it is also permissible to abort in the first 120 days if the fetus has a condition incompatible with a stable life after birth, such as 'Trisomy18.'<sup>31</sup> Additionally, Muslim scholars permit abortion during the 120-day period if the pregnancy was a result of rape or sexual assault.

Female infanticide was a common practice in pre-Islam Arabia that was put to an end with the advent of Islam. In modern times, with the advancement of technology and the ability to identify the gender of a child before birth, parents who do not want daughters and consider them a burden often take to abortion. Such practices are common in China, India, and other countries. Such heinous acts are absolutely forbidden in Islam and result in an imbalance of the male-female ratio. One reason for this is the fear of poverty, to which Allah (ﷻ) commands,

وَلَا تَقْتُلُوا أَوْلَادَكُمْ حَشِيَّةً إِيمَاقٍ نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ إِنَّ قَتْلَهُمْ كَانَ  
خَطْئًا كَبِيرًا

*“Do not kill your children for fear of poverty; it is We who provide for them as well as for you. Killing them is surely a grave sin.” (al-Isra', 17:31)*

It is shocking to learn that forty-six million fetuses are aborted worldwide every year.<sup>32</sup> In the United States alone, forty-eight million fetuses have been aborted since

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<sup>31</sup> Trisomy 18 is a genetic disorder and is caused by the presence of extra material from chromosome 18. The extra material interferes with normal development. Some of the symptoms are: clenched hands, crossed legs, feet with a rounded bottom, low-set ears, mental deficiency, small head, small jaw, underdeveloped fingernails, and unusual shaped chest.

<sup>32</sup> “Abortion–Artificially Induced Abortion around the World.” *Encyclopedia of Death and Dying*. Web. 16 Nov. 2011. <<http://www.deathreference.com/A-Bi/Abortion.html>>.

1973.<sup>33</sup> Approximately twenty-four percent of all pregnancies in the United States end in abortion,<sup>34</sup> and eighty percent of those abortions are performed on unmarried women.<sup>35</sup>

## Protection of the Environment

Shari'ah demands protection of life and complete respect for all creation, including the environment. The Qur'an states that Allah (ﷻ) has created all things in this natural world in due proportion and measure and speaks of making the cosmos useful to humankind.

وَحَلَقَ كُلَّ شَيْءٍ فَقَدَرَهُ تَقْدِيرًا

*"And He created everything and determined it in a precise measure." (al-Furqan, 25:2)*

وَسَخَّرَ لَكُمْ مَّا فِي السَّمَاوَاتِ وَمَا فِي الْأَرْضِ جَمِيعًا مِنْهُ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّقَوْمٍ يَتَفَكَّرُونَ

*"And He has made subservient to you, (as a gift) from Himself, all that is in the heavens and earth. Verily in that are signs for those who reflect." (al-Jathiyah, 45:13)*

Man was created by God as a social creature endowed with free will and thinking faculties; not only to explore nature and the universe but to make use of them to make his existence convenient, comfortable and meaningful; thus establishing virtues, culture, and civilization. The Qur'an warns on many

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<sup>33</sup> "Abortion Statistics—of Revolution." *Voice of Revolution* » *The Online Magazine from the Ministry of Dr. Michael Brown*. Web. 16 Nov. 2011.

<<http://www.voiceofrevolution.com/2009/01/18/abortion-statistics/>>.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

occasions against attempts to tamper with the natural disposition of man to know God (fitrah فطرة).<sup>36</sup>

الشَّمْسُ وَالْقَمَرُ بِحُسْبَانٍ (5) وَالنَّجْمُ وَالشَّجَرُ يَسْجُدَانِ (6)  
وَالسَّمَاءَ رَفَعَهَا وَوَضَعَ الْمِيزَانَ (7) أَلَّا تَطْغَوْا فِي الْمِيزَانِ (8)

*“The sun and the moon follow their calculated courses; the plants and the trees submit to His designs; He has raised up the sky; He has set the balance. Do not tamper in the balance.”*  
(al-Rahman, 55:5-8)

Such alterations may undermine the ecological balance and lead to harm to both humankind and the environment. The moment this universal equilibrium is impaired and vitiated through human intervention, man’s relationship with the Creator and His creation begins to degenerate.

ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ  
بَعْضَ الَّذِي عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ

*“Corruption has become manifest on land and sea as a result of people’s actions, and He will make them taste (the consequences of) some of their own actions so that they may turn back.”* (al-Roum, 30:41)

The environmental injustice costs man dearly in terms of health, wealth, peace, prosperity, and his general well-being. The Qur’an declares that all of creation has a purpose. The environment being a part of God's creation must also have a purpose. Although it is subjected to man for his sustenance on

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<sup>36</sup> *Fitrah* refers to the laws set by Allah (ﷻ) to govern the intrinsic characteristics and the functions of living and non-living creatures in this universe.

earth, man is commanded to use the environment wisely and to avoid creating mischief on earth.

الَّذِي أَحْسَنَ كُلَّ شَيْءٍ خَلَقَهُ وَبَدَأَ خَلْقَ الْإِنْسَانِ مِنْ طِينٍ

“(It is Allah) who makes most excellent everything that He creates. And He began the creation of man out of clay.” (al-Sajdah, 32:7)

هُوَ أَنشَأَكُم مِّنَ الْأَرْضِ وَاسْتَعْمَرَكُمْ فِيهَا

“It was He who brought you into being from the earth and made you inhabit it.” (Houd, 11:61)

The complex creation of the universe and the time it took to perfect planet earth is the greatest gift to humankind. The following is a detailed account of the marvelous creation.

خَلَقَ السَّمَوَاتِ وَالْأَرْضَ بِالْحَقِّ ۗ تَعَالَىٰ عَمَّا يُشْرِكُونَ (3) خَلَقَ الْإِنْسَانَ  
مِنْ نُطْفَةٍ فَإِذَا هُوَ خَصِيمٌ مُّبِينٌ (4) وَاللَّعْنَةُ خَلَقَهَا ۗ لَكُمْ فِيهَا دِفْءٌ  
وَمَنْفَعٌ وَمِنْهَا تَأْكُلُونَ (5) وَلَكُمْ فِيهَا جَمَالٌ حِينَ تُرْجَوْنَ وَحِينَ تَسْرَحُونَ  
(6) وَتَحْمِلُ أَوْثَانَكُمْ إِلَىٰ بَلَدٍ لَّمْ تَكُونُوا بَلِغِيهِ إِلَّا بِشِقِّ الْأَنْفُسِ ۗ إِنَّ رَبَّكُمْ  
لَرؤُوفٌ رَّحِيمٌ (7) وَالْخَيْلَ وَالْبَعَالَ وَالْحَمِيرَ لِتَرْكَبُوهَا وَزِينَةً ۗ وَيَخْلُقُ مَا لَا  
تَعْلَمُونَ (8) وَعَلَىٰ اللَّهِ فَضْلُ السَّبِيلِ وَمِنْهَا جَائِرٌ ۗ وَلَوْ شَاءَ لَهَدَلَكُمْ  
أَجْمَعِينَ (9) هُوَ الَّذِي أَنْزَلَ مِنَ السَّمَاءِ مَاءً ۗ لَكُمْ مِنْهُ شَرَابٌ وَمِنْهُ  
شَجَرٌ فِيهِ تُسِيمُونَ (10) يُنْبِتُ لَكُمْ بِهِ الزَّرْعَ وَالزَّيْتُونَ وَالنَّخِيلَ  
وَالْأَعْنَابَ وَمِنْ كُلِّ الثَّمَرَاتِ ۗ إِنَّ فِي ذَلِكَ لَآيَةً لِّقَوْمٍ يَعْتَبِرُونَ (11)  
وَسَخَّرَ لَكُمْ اللَّيْلَ وَالنَّهَارَ وَالشَّمْسَ وَالْقَمَرَ ۗ وَالنُّجُومَ مُسَخَّرَاتٌ بِأَمْرِهِ ۗ  
إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّقَوْمٍ يَعْقِلُونَ (12) وَمَا ذَرَأَ لَكُمْ فِي الْأَرْضِ مُخْتَلِفًا  
أَلْوَنًا ۗ إِنَّ فِي ذَلِكَ لَآيَةً لِّقَوْمٍ يَدَّبُّرُونَ (13) وَهُوَ الَّذِي سَخَّرَ الْبَحْرَ  
لِنَآكُلُوا مِنْهُ لَحْمًا طَرِيًّا وَتَسْتَخْرِجُوا مِنْهُ حَبْلَةً حَلِيبَةً تَلْبَسُونَهَا وَتَرَىٰ الْفُلْكَ

مَوَاحِرَ فِيهِ وَلِتَبْتَغُوا مِنْ فَضْلِهِ ۗ وَلَعَلَّكُمْ تَشْكُرُونَ (14) وَالْقَىٰ فِي الْأَرْضِ  
 رَوْسَىٰ أَنْ يَمِيدَ بِكُمْ وَأَهْرَآءَ وَسُبُلًا لَعَلَّكُمْ تَهْتَدُونَ (15) وَعَلَّمَتِ ۙ وَالنَّجْمِ  
 هُمْ يَهْتَدُونَ (16) أَفَمَنْ يَخْلُقُ كَمَنْ لَا يَخْلُقُ ۗ أَفَلَا تَذَكَّرُونَ (17) وَإِنْ  
 تَعُدُّوا نِعْمَةَ اللَّهِ لَا تُحْصُوهَا ۗ إِنَّ اللَّهَ لَعَفُوفٌ رَحِيمٌ (18)

“(3) He created the heavens and earth for a true purpose, and He is far above whatever they join with Him! (4) He created man from a drop of fluid, and yet man openly challenges Him. (5) You derive warmth and other benefits from them; you get food from them; (6) You find beauty in them when you bring them home to rest and when you drive them out to pasture. (7) They carry your loads to lands you yourselves could not reach without great hardship--truly your Lord is kind and merciful. (8) Horses, mules, and donkeys for you to ride and use for show, and other things you know nothing about. (9) Allah points out the right path, for some paths lead the wrong way: if He wished, He could guide you all. (10) It is He who sends down water for you from the sky, from which comes a drink for you, and the shrubs that you feed to your animals. (11) With it He grows for you grain, olives, palms, vines, and all kinds of other crops. There truly is a sign in this for those who reflect. (12) By His Command He has made the night and day, the sun, moon, and stars all of benefit to you. There truly are signs in this for those who use their reason. (13) He has made of benefit to you the many-colored things He has multiplied on the earth. There truly are signs in this for those who take it to heart. (14) It is He who made the sea of benefit to you: you eat fresh fish from it and bring out ornaments to wear; you see the ships cutting through its waves so that you may go in search of His bounty and give thanks. (15) He has made mountains stand firm on the earth, to prevent it shaking under you, and rivers and paths so that you may find your way, (16) And landmarks and stars to guide people. (17) Can He who creates be compared to one who cannot create? Why do you not take heed? (18) you tried to count Allah’s blessings, you could never compute them. He is truly most forgiving and most merciful.” (al-Nahl, 16:3-18)

The great faculties Allah (ﷻ) bestowed upon humanity enable us to think, reason, and invent. Man's inventions throughout history are countless; they are inventions and creations we take pride in. Can our inventions, however, be compared to Allah's creation? Allah's creation is perfect while ours are often flawed. In fact, one may find instances where our inventions contribute to the destruction of the perfect world Allah (ﷻ) created for us.

To demonstrate the deficiency of our inventions and the harm we cause to our planet, let us examine transportation. Although the traditional methods of transportation took longer to move between destinations, the creation of such means as camels, donkeys, horses, and mules, are far more beneficial to the health of the environment compared to the recent mode of transportation man invented that move us at a faster pace. These traditional modes of transportation serve multiple benefits aside from mere transport from one place to another.

Cows, for example, were created to serve multiple functions. Aside from tillage, everything in a cow is useful for people and the environment; its milk, skin, meat, and even its manure. Manure is organic matter used as organic fertilizer in agriculture. It is a great source of enrichment for the earth out of which our provision, organic food, is produced. On the other hand, the fumes that are generated by vehicles are harmful to humans and the environment. In fact, transportation is the largest single source of air pollution in the United States according to the Union of Concerned Scientists<sup>37</sup>.

Surely, Allah (ﷻ) is the best of Creators,

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<sup>37</sup> Cars, Trucks, Buses and Air Pollution. (2008, July 23, updated 2018, July 19). Retrieved from <https://www.ucusa.org/resources/cars-trucks-buses-and-air-pollution#.VJn5PcOi4>

فَتَبَارَكَ اللَّهُ أَحْسَنُ الْخَالِقِينَ

*“So blessed be Allah, the best of creators.” (al-Muminun, 23:14)*

Man has caused much harm to our planet and as a result we are destroying Allah’s perfect creation.

وَلَقَدْ مَكَّنَّاكُمْ فِي الْأَرْضِ وَجَعَلْنَا لَكُمْ فِيهَا مَعَايِشَ قَلِيلًا مَّا تَشْكُرُونَ

*“We established you on earth and provided you with a means of livelihood, yet you are seldom grateful.” (al-‘Araf, 7:10)*

Our attitude toward our Creator should be that of gratefulness and appreciation. Our planet is God’s most precious gift and we must never neglect this great bounty. The reality is that we are truly unappreciative and ungrateful.

Instead of protecting and safeguarding our planet, we are destroying the great things Allah (ﷻ) created for us in the name of capitalism and materialism. Injecting hormones into animals help them grow faster and bigger, and the faster they grow the faster they make it to the market place for consumption which yields more profit for corporations. The first sentence in an article entitled, “Growth Hormones Fed to Beef Cattle Damage Human Health,” reads, “Almost all beef cattle entering feedlots in the United States are given hormone implants to promote faster growth.”<sup>38</sup>

Organic farming is much healthier alternative for the environment. If the United States converted all of our farmland to organic farming, it would sequester twenty-five percent of greenhouse gas emissions. If the world’s 3.5 billion tillable acres

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<sup>38</sup> Growth Hormones Fed to Beef Cattle Damage Human Health. (2007, May 1). Retrieved from <https://www.organicconsumers.org/scientific/growth-hormones-fed-beef-cattle-damage-human-health>

were transitioned to organic agriculture, organic farms could sequester forty percent of yearly carbon emissions.<sup>39</sup>

Our planet is dying. Rain forests, the largest land based contributors of oxygen in the world are cut down every year, mainly for agriculture. This is because existing lands used for agriculture have lost the nutrients they need to produce rich and healthy produce. To solve the problem, they cut down rainforest land where the soil is extremely rich. They grow organic food, waste precious land and sell the yield at double and at times triple the price of ordinary manufactured produce cultivated from unfertile lands.

Environmental pollution is one of the most serious problems facing humanity and other life forms on our planet today.

In a speech by renowned physicist Stephen Hawking, he explained his

fears about global warming or an “accident” that might wipe out all life on earth. He believes the planet is in danger of reaching a point at which the heating begins to intensify without additional help from human produced waste. “The atmosphere might get hotter and hotter until (the earth) will be like Venus with boiling sulfuric acid,” and uninhabitable, Hawking warned.<sup>40</sup>



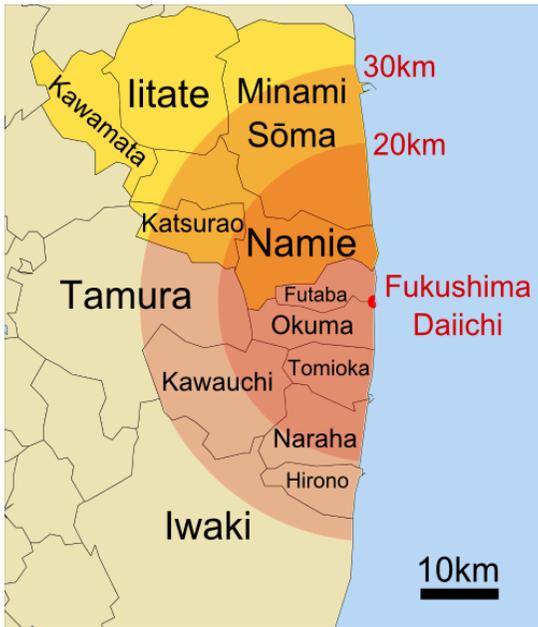
Courtesy of <https://pixabay.com/>

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<sup>39</sup> Global Warming on Your Plate. (2014, October 25). Retrieved from <https://www.organicconsumers.org/news/global-warming-your-plate>

<sup>40</sup> Our Dying Earth. (2009, December 28). Retrieved from <http://meteospo.blogspot.com/2009/12/official-report-earth-climate-is-beyond.html>

The destruction of the Fukushima nuclear power plant in Japan in 2011 resulted in massive radioactive contamination of more than 11,500 square miles of the Japanese mainland.



<sup>41</sup>Japan towns, villages, and cities around the Fukushima Daiichi nuclear plant. The 20km and 30km areas had evacuation and sheltering orders, and additional administrative districts that had an evacuation order are highlighted.

The land within twelve miles of the destroyed nuclear power plant, encompassing an area of about 230 square miles, and an

additional eighty square miles located northwest of the plant, were declared *too radioactive for human habitation*. All persons living in these areas were evacuated and the regions were declared to be permanent “exclusion” zones.<sup>42</sup>

The “shock and awe” of the mighty atomic power and nuclear weapons have caused nearly incomprehensible levels of massive destruction.

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<sup>41</sup> By User: Mayhewderivative work: derived from original work by User:Lincun -File:Iitate\_vs\_Fukushima\_evacuation\_zones\_large.svg derivative work: original source is File:Iitate\_in\_Fukushima\_Prefecture\_Ja.svg, CC BY-SA 3.0, <https://commons.wikimedia.org/w/index.php?curid=15005400>

<sup>42</sup> Costs and Consequences of the Fukushima Daiichi Disaster. (2012, October 31). Retrieved from <https://www.psr.org/blog/resource/costs-and-consequences-of-the-fukushima-daiichi-disaster/>

The United States, with the assistance of other governments, used depleted uranium in the Gulf and Iraq war.<sup>43</sup> Such war crimes not only resulted in the destruction of lives and infrastructure, but the result of such atrocities will endure for centuries. A decade after the Iraq war, babies are born with cleft palates, elongated heads, one eye in the center of its face, overgrown limbs, short limbs, and malformed ears, noses and spines.<sup>44 45</sup>



American military's use of DU has caused deadly health affects.

One can only imagine the magnitude of the damage related to the use of such radioactive and toxic weapons on the environment and the existing human population.

*We are killing our planet and its inhabitants.*

وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا ذَلِكُمْ خَيْرٌ لَّكُمْ إِن كُنتُمْ مُؤْمِنِينَ

*“And do not make mischief in the land after it had been set in order: that will be best for you, if you have faith.” (al-’Araf, 7:85)*

According to the Qur’an and Sunnah, preserving the environment is not only a moral duty, but a religious and social

<sup>43</sup> Irradiated Iraq -The Nuclear Nightmare We Left Behind. (2016, March 30). Retrieved from <https://washingtonspectator.org/irradiated-iraq-nuclear-nightmare/>

<sup>44</sup> Fallujah babies: Under a new kind of siege. (2012, January 6). Retrieved from <https://www.aljazeera.com/indepth/features/2012/01/2012126394859797.html>

<sup>45</sup> Photo retrieved from <https://www.sott.net/article/333323-Fallujah-12-years-on-American-militarys-use-of-DU-has-caused-deadly-health-affects>

responsibility. Prophet Muhammad (ﷺ) forbade cutting trees even at times of war. He gave clear instructions regarding the preservation of natural resources, land and environment.

On the authority of Anas (رضي الله عنه), the Prophet (ﷺ) said,

مَا مِنْ مُسْلِمٍ يَغْرِسُ غَرْسًا أَوْ يَزْرَعُ زَرْعًا فَيَأْكُلُ مِنْهُ طَيْرٌ أَوْ إِنْسَانٌ أَوْ  
بَيْمَةٌ إِلَّا كَانَ لَهُ بِهِ صَدَقَةٌ.

*"If a Muslim plants a tree or sows seeds, and then a bird, or a person or an animal eats from it, it is regarded as a charitable gift (sadaqah) for him."* (al-Bukhari)<sup>46</sup>

In another prophetic tradition narrated by the same companion, Anas (رضي الله عنه), he (ﷺ) said,

إِنْ قَامَتِ السَّاعَةُ وَفِي يَدِ أَحَدِكُمْ فَسِيلَةٌ، فَإِنْ اسْتَطَاعَ أَنْ لَا تَقُومَ  
حَتَّى يَغْرِسَهَا فَلْيَغْرِسَهَا.

*"If the Hour (the day of Resurrection) is about to be established and one of you was holding a palm shoot, let him take advantage of even one second before the Hour is established to plant it."* (Ahmad)<sup>47</sup>

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<sup>46</sup> Al Bukhari, M.B.I. (2003). *Al' Bukhari's Sahih: The correct traditions of Al' Bukhari*. Beirut, Lebanon: Dar Al-Kotob Al Ilmiyah (DKI)

<sup>47</sup> Hanbal, A.B. (2012). *Musnad Imam Ahmad Bin Hanbal*. Riyadh: Dar-us-Salam Publications

# Preservation of Posterity

## The Third Objective of Shari'ah

Preservation of posterity (*hifz al-nasl* حفظ النسل) constitutes the third objective of shari'ah. Posterity, progeny, or lineage refers to all future generations collectively. There are two Arabic terms that refer to posterity – one deals with procreation (*al-nasl* النسل) from (*na-sa-la* نسل) and the other is to trace ancestry (*al-nasab* النسب) from (*na-sa-ba* نسب). In between the two is the concept of lineage, which by extension includes all succeeding generations in one's family.

Islam places great emphasis on protecting one's lineage and posterity. Negative growth in population is a sign of destruction of posterity as is evident in some countries across the globe. In the Czech Republic, for example, the average number of children born to women is 1.2, which is below the number of 2.1 that yields zero population growth<sup>48</sup>. In Asian countries like China, Japan, Korea, and Singapore, there are more elderly than children being born.<sup>49</sup> In Russia, where birth rates are low and death rates are high, a loss of one-third of the country's

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<sup>48</sup> Understanding Population Growth Rates. (Updated, 2020, March 24). Retrieved from <https://www.thoughtco.com/population-growth-rates-1435469>

<sup>49</sup> Malaysia: What Happens When the Birth Rate Falls. (2009, July 26). Retrieved from <http://www.verypopulation.org/older.html>.

population is expected in the next forty years.<sup>50</sup> The United States also shows a plummeting birth rate. The birth rate fell by 2.6% in 2009 even as the population grew.<sup>51</sup> According to analysis of the 2010 census by *USA Today*, there are forty-three million households that have more dogs than children.<sup>52</sup>

Cohabitation before marriage, once known as, “living in sin,” has now become commonplace as the stigma of this practice has been removed. More than two-thirds of married couples in the United States lived together before marriage and the number of unmarried households is rising dramatically even though laws against intimate relationships between unmarried partners are still on the books in some states. More people today prefer to cohabit without the sense of responsibility or obligation marriage demands.

According to the United States Census Bureau, the number of unmarried couples cohabiting hiked from 6.7 million in 2009 to 7.5 million in 2010, registering an increase of thirteen percent or 868,000 couples.<sup>53</sup> The United States Justice Department found that women are sixty-two times more likely to be assaulted by a cohabitant boyfriend than by a husband.<sup>54</sup> A study shows that children born out of such unstable relationships suffer the brunt of the consequences that lead to adverse effects on their physical and psychological development.<sup>55</sup> Compared to eight percent of

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<sup>50</sup> Ibid.

<sup>51</sup> What’s Behind the Drop in US Birth Rates? (2011, September 22). Retrieved from <http://www.overpopulation.org/older.html>.

<sup>52</sup> Census Reveals Plummeting U.S. Birthrates. (2011, June 24). Retrieved from [http://www.usatoday.com/news/nation/census/2011-06-03-fewer-children-census-suburbs\\_n.htm](http://www.usatoday.com/news/nation/census/2011-06-03-fewer-children-census-suburbs_n.htm).

<sup>53</sup> Kreider, Rose M. *Increase in Opposite-sex Cohabiting Couples from 2009 to 2010 in the Annual Social and Economic Supplement (ASEC) to the Current Population Survey (CPS)*. Working paper. US Census Bureau. Web. 16 Nov. 2011. <<http://www.census.gov/population/www/socdemo/Inc-Opp-sex-2009-to-2010.pdf>>.

<sup>54</sup> “Cohabitation Statistics.” *Family Life Culture Watch*. 22 Feb. 2008. Web. 16 Nov. 2011. <<http://www.familylifeculturewatch.com/2008/02/cohabitation-st.html>>.

<sup>55</sup> A 2011 report indicated that “children in cohabiting households are more likely to suffer from a range of emotional and social problems – drug use,

American couples, twenty-eight percent of Swedish couples cohabit.<sup>56</sup> Moral and cultural taboos against partners living together seem to have disappeared altogether.

Prophet Muhammad (ﷺ), on the authority of Aisha (رضي الله عنها), affirms,

النِّكَاحُ مِنْ سُنَّتِي ، فَمَنْ أَمْ يَعْمَلْ بِسُنَّتِي فَلَيْسَ مِنِّي .

*“Marriage (Nikah) is part of my sunnah (way), and whoever does not follow my sunnah has nothing to do with me.”* (Ibn Majah)<sup>57</sup>

Intimate relationships outside the sanctity of marriage are forbidden in Islam. Marriage is the only legitimate means to satisfy one’s sexual desires and it is only through marriage that lineage is protected and maintained. Nearly forty percent of children born in the United States in 2007 were delivered by unwed mothers. The 1.7 million out-of-wedlock births out of 4.3 million total births marked a more than twenty-five percent jump from five years before, according to data released by the National Center for Health statistics.<sup>58</sup> It is remarkable to think of how these children are deprived of tracing and determining their lineage, not to mention the absence of a father figure, which contributes to the susceptibility of becoming addicted to drugs and alcohol, or involved in criminal activity. Robert Rector, a Senior Welfare and Family Analyst at the Heritage Foundation in Washington, D.C. writes in his article, Out-of-Wedlock

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depression, and dropping out of high school – compared to children in intact, married families.” New Report: Cohabitation Has Superseded Divorce As Key Risk Factor To Children In America. (2011, August 16). Retrieved from <https://news.virginia.edu/content/new-report-cohabitation-has-superseded-divorce-key-risk-factor-children-america>

<sup>56</sup> The Latest Marriage Statistics: Implications. (2005, October). Retrieved from [https://ad2000.com.au/the\\_latest\\_marriage\\_statistics\\_implications\\_october\\_2005.html](https://ad2000.com.au/the_latest_marriage_statistics_implications_october_2005.html)

<sup>57</sup> Ibn Majah, M. (2007). *English Translation of Sunan Ibn Majah*. Dar-us-Salam Publications.

<sup>58</sup> Changing Patterns of Nonmarital Childbearing in the United States. (2009, May). Retrieved from <http://www.cdc.gov/nchs/data/databriefs/db18.pdf>

Childbearing and Paternal Absence: Trends and Social Effects, “The erosion of marriage and fatherhood has been accompanied by a mushrooming of other social problems: crime, welfare dependence, child abuse and drug abuse. The collapse of marriage, rise of illegitimacy, and absence of fathers are the root cause behind most of the nation's social problems.”<sup>59</sup>

Islam promotes sound and happy families to construct a healthy and effective society that seeks to eradicate evil and promote good. Marriage is the foundation of a family and the family is the nucleus of society, thus, a sound family structure results in a successful society. Marriage, therefore, is the essential component in building and maintaining a healthy society. Islam encourages marriage once a mature man is able to support his wife. It is also encouraged to marry at a young age.

Abdullah ibn Mas’ud (رضي الله عنه), a companion of the Prophet (ﷺ), narrates, “We went out with the Messenger of Allah while we were youth, and we had no means. The Messenger of Allah said,

يَا مَعْشَرَ الشَّبَابِ ، مَنْ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ ، فَإِنَّهُ أَغْضُ  
لِلْبَصَرِ وَأَخْصَنَ لِلْفَرْجِ ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وِجَاءٌ.

*“O young men! Whoever among you can marry should marry, because it helps him to lower his gaze and guard his modesty, and whoever is not able to marry should fast as fasting diminishes the sexual urge.”* (al-Bukhari)<sup>60</sup>

Marriage in Islam, while protecting the rights of the husband and wife, also preserves lineage and progeny. In rare circumstances, Islam permits polygyny, whereby a man may have up to four wives at a time. This provision, however, is

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<sup>59</sup> Out-of-Wedlock Childbearing and Paternal Absence: Trends and Social Effects. (1999, June) Retrieved from <http://www.catholicculture.org/culture/library/view.cfm?recnum=1446>

<sup>60</sup> Al Bukhari, M.B.I. (2003). *Al' Bukhari's Sahih: The correct traditions of Al' Bukhari*. Beirut, Lebanon: Dar Al-Kotob Al Ilmiyah (DKI)

subject to the man treating all his wives equitably, and Allah (ﷻ) Himself emphasizes how difficult it is for man to do so.

وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ الْمِيلِ  
فَتَذَرُوهَا كَالْمُعَلَّقَةِ وَإِنْ تُصْلِحُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا

*“And you will not be able to be fair between your wives, however hard you try. So don’t lean (toward one) leaving another hanging. And if you mend (your affairs) and act righteously, then surely Allah is Most Forgiving, Most Merciful.” (al-Nisa’; 4:129)*

This indicates that a monogamous marriage is preferred, while plurality of wives is an exception. There may be instances, for example, when a woman is widowed with no one to look after her, a wife is infertile or there is a scarcity of men as a consequence of war or other special circumstances. In these exceptions, polygyny may be practiced. Additionally, a man with excess virility who marries more than one wife whose rights are protected is more virtuous than having a wife and a mistress.

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ  
مَثْنَىٰ وَثُلَاثَ وَرُبَاعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ  
أَيْمَانُكُمْ ذَلِكَ آذَنٌ أَلَّا تَعُولُوا

*“If you fear that you will not deal fairly with orphan (girls), you may then marry women of your choice, two, three, or four. But if you fear that you cannot be equitable [to them], then marry only one or (the captives) that your right hands possess. That is more likely that you will not do injustice.” (al-Nisa’, 4:3)*

Islam forbids polyandry, the practice of marrying more than one husband at one time. An obvious reason, among others, is that the lineage in this case cannot be preserved and protected,

as it can in the case of polygyny where the husband can confirm his offspring. Another deterring factor of polyandry deals with inheritance and property rights. The rights of children born in such circumstances will be curtailed without the firm knowledge of lineage.

Additionally, polyandry limits population growth. With one woman carrying children for multiple men, this inhibits the potential children born out of marriage due to physical and biological constraints. By contrast, a monogamous or polygynous marriage improves the potential for an increased amount of children born to one man thereby promoting and not stifling population growth.

Furthermore, marriage in Islam is an institution. In principle, the husband is considered to be the head of the household. With polyandry, two or more husbands cannot share the power and the executive role of the family.

## **Rights of Women to Keep their Lineage**

Under shari'ah, women have always had the right to own property and businesses, engage in financial transactions, vote, receive inheritance, obtain education, participate in legal and political affairs, and keep their maiden names. The fact that some Muslim societies do not afford women these rights is an example of how Muslims misuse the teachings of Islam. Many times, it is a result of cultural bias that is ignorantly attributed to Islam as opposed to truly adhering to the divine will.

## **Adultery**

Adultery or fornication (*zina*) are among the practices that threaten posterity; hence the prohibition and punishment of these practices in Islam. They are categorized as one of the major sins in Islam.

وَلَا تَقْرُبُوا الزَّانِيَ إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا

*“And do not go near adultery, for it is a shameful deed,  
and an evil way.” ( al-Isra’, 17:32)*

The consensus of Muslim scholars regarding the penalty for fornication<sup>61</sup> is one hundred lashes as laid out in the Qur’an.

الرَّانِيَةُ وَالرَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ

*“Flog the woman and the man who commit fornication with  
one hundred lashes.” (al-Nur, 24:2)*

However, the penalty for adultery<sup>62</sup> is open to debate. Most scholars will insist that the penalty for adultery is the same as fornication, one-hundred lashes, with various rules for regulating how lashes are to be administered. Other scholars maintain that the old penalty for adultery as laid out by the previous prophets is stoning (as in the Old Testament). By New Testament times, the prophet Jesus (عَلَيْهِ السَّلَامُ) sent away a woman guilty of adultery who was forgiven;<sup>63</sup> told only to repent and not to sin again.

In some Muslim societies, judges and populaces might administer stoning out of the mistaken belief that this was what Islam required. In fact, Islam made it virtually impossible for the sentence of death for adultery to take place because to do so, the guilty couple has to be eye-witnessed performing the physical act by four individuals who were in a position to identify both parties without doubt. This virtually ruled out the penalty, since adultery is a secret act that is committed in private more often than not. That being said, the position of the four main schools of thought in Islamic jurisprudence assert that stoning is the punishment for adultery only if the perpetrators confess.

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<sup>61</sup> Sexual intercourse between unmarried couples.

<sup>62</sup> A person who is married and engages in extramarital sex.

<sup>63</sup> John 8:3-11

In the west, adultery has become commonplace due to the emphasis on sexual freedom and the sexual revolution that swept the nation in the sixties and seventies. Great emphasis is placed on ‘exploring one’s sexuality’ and the freedom to seek out sexual satisfaction. In Islam, there is far less emphasis placed on sex. While essential in a healthy marriage, it nevertheless may be regarded as a weakness that can lead to strife. In order to combat this predicament, there are precise rules in Islam regarding sexual exploration. Both men and women are instructed to lower their gazes and guard their private parts.

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ (30) وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ (31)

*“Tell the believing men to lower their gaze and to guard their private parts. That is purer for them. Surely, Allah is well aware of what they do. And tell the believing women to lower their gaze and guard their private parts and not to display their charms.” (al-Nur, 24:30-31)*

According to a hadith on the authority of Jabir bin Abdullah (رضي الله عنه), the messenger of Allah (ﷺ) said,

مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلَا يَخْلُونَ بِامْرَأَةٍ لَيْسَ مَعَهَا ذُو مَحْرَمٍ مِنْهَا فَإِنَّ نَالَتَهُمَا الشَّيْطَانُ.

*“Whoever believes in Allah and the Last Day must never be in privacy with a woman without there being mahram<sup>64</sup>*

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<sup>64</sup> A woman’s *mahram* is a person whom she is not permitted to marry because of close blood relationship. In Islamic shari’ah legal terminology, a *mahram* (Arabic محرم) is an unmarriageable kin with whom sexual intercourse would be considered incestuous, a punishable offense.

(of hers) with her, for otherwise satan<sup>65</sup> will be the third person with them.” (Ahmad)<sup>66</sup>

The reason for this is not a lack of trust in one or both of them; it is rather to protect them from immoral thoughts and sexual feelings which naturally arise within a man and a woman when they are alone together without the fear of intrusion by a third person. Most of the moral depravity and vitiated state of the modern society is a result of disregarding these safeguards.

As creations of Allah (ﷻ), women and men are afforded spiritual equality. Both are rewarded for prayer and charitable acts, and likewise held accountable for their actions, good or bad, while on earth.

وَمَنْ يَعْمَلْ مِنَ الصَّالِحَاتِ مِنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَأُولَٰئِكَ  
يَدْخُلُونَ الْجَنَّةَ وَلَا يُظْلَمُونَ نَقِيرًا

“And whoever, male or female, does righteous deeds and is a believer will enter Heaven and will not be wronged by as much as a speck on a date-seed.” (al-Nisa’, 4:124)

Both men and women have responsibilities toward their families and society, as is clear from the following *ayah* of the Qur’an,

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ  
وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ  
وَرَسُولَهُ أُولَٰئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

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<sup>65</sup> Typically the first letter of names begin with a capital letter. I have made an exception to one name, satan. I chose to use lower case “s” because he is an avowed enemy to all of humankind and does not deserve to be honored. As a matter of fact, Allah (ﷻ) declared him to be among the degraded ones, (7:13).

<sup>66</sup> Hanbal, A.B. (2012). *Musnad Imam Ahmad Bin Hanbal*. Riyadh: Dar-us-Salam Publications

*“The believing men and the believing women support each other; they ordain what is right and forbid what is wrong; they observe regular prayers (salah) and pay compulsory charity (zakat), and obey Allah and His Messenger. Allah will have mercy on them. Surely, Allah is Mighty, Wise.” (al-Taubah, 9:71)*

In Islam, the significance of preserving lineage is so crucial that the Prophet (ﷺ) on the authority of Sa’d Ibn Abi Waqqas (رضي الله عنه) said,

مَنْ ادَّعَىٰ إِلَىٰ غَيْرِ أَبِيهِ وَهُوَ يَعْلَمُ فَالْجَنَّةُ عَلَيْهِ حَرَامٌ.

*“Whoever knowingly claims to belong to anyone other than his father, paradise will be denied to him.” (al-Bukhari)<sup>67</sup>*

In another saying narrated by Abdullah Ibn Abbas (رضي الله عنهما), the Prophet (ﷺ) said,

مَنْ انتَسَبَ إِلَىٰ غَيْرِ أَبِيهِ ، أَوْ تَوَلَّىٰ غَيْرَ مَوْلَاهِ ، فَعَلَيْهِ لَعْنَةُ اللَّهِ ،  
وَالْمَلَائِكَةِ ، وَالنَّاسِ أَجْمَعِينَ .

*“Whoever attributes his lineage to someone other than his (real) father, and takes someone else as his master other than his (real) master will be cursed by Allah, the angels, and all people.” (Ibn Majah)<sup>68</sup>*

The Qur’an when referring to orphans, clearly states,

ادْعُوهُمْ لِآبَائِهِمْ هُوَ أَقْسَطُ عِنْدَ اللَّهِ فَإِنْ لَمْ تَعْلَمُوا آبَاءَهُمْ فِإِخْوَانُكُمْ  
فِي الدِّينِ وَمَوَالِيكُمْ

<sup>67</sup> Al Bukhari, M.B.I. (2003). *Al’ Bukhari’s Sahih: The correct traditions of Al’ Bukhari*. Beirut, Lebanon: Dar Al-Kotob Al Ilmiyah (DKI)

<sup>68</sup> Ibn Majah M. (2007). *English Translation of Sunan Ibn Majah*. Riyadh: Dar-us-Salam Publications.

*“Call them after their fathers. That is more just with Allah. And if you do not know their fathers, then they are your brothers in faith and your friends.” (al-Ahzab, 33:5)*

Even a person who converts to Islam and changes their name must keep the original family or last name to indicate the lineage of that person with their father. Ikrama ibn (son of) Abu Jahl (Father of Ignorance), a companion of the Prophet (ﷺ), was called by the same name even after he embraced Islam. Although his father Abu Jahl was the staunchest enemy of Islam, Ikrama’s name was nevertheless associated with his father’s name. An exception to this general rule is in cases where names are changed to eliminate their anti-Islamic characteristic. The name Abd al-Shams (slave of the sun), for example, may be modified to an Islamic name, such as Abdullah (slave of Allah).

As mentioned earlier, shari’ah demands complete respect for all creation, including the fetus. To abort one’s child is tantamount to eliminating one’s own lineage. Abortion or termination of the fetus is legitimate if the mother has a health condition that makes the continuation of her pregnancy a danger to her life. As mentioned in the last chapter, there are other nuances as well. Fear of poverty is not a reason to kill or abort a fetus.

Preserving lineage also promotes recognizing and honoring one’s parents. Children are commanded to take good care of their parents and treat them with mercy and kindness. The rights of parents follow immediately after the rights of Allah (ﷻ).

وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَبِالْوَالِدَيْنِ إِحْسَانًا إِمَّا يَبُلُغَنَّ  
عِنْدَكَ الْكِبَرَ أَحَدُهُمَا أَوْ كِلَاهُمَا فَلَا تَقُلْ لَهُمَا أُفٍّ وَلَا تَنْهَرُهُمَا  
وَقُلْ لَهُمَا قَوْلًا كَرِيمًا (23) وَاحْفَظْ لَهُمَا جَنَاحَ الدُّلِّ مِنَ الرَّحْمَةِ وَقُلْ  
رَبِّ ارْحَمْهُمَا كَمَا رَبَّيَانِي صَغِيرًا (24)

*“(23)Your Lord has decreed that you worship none but Him alone, and that you be kind to your parents. Should one of*

*them, or both, attain old age with you, do not say 'Ugh!' to them (as an indication of complaint or impatience), nor repel them, rather speak gently to them. (24) And lower your wing of humility to them out of mercy, and say, 'My Lord, have mercy on them, just as they cared for me when I was little.'"* (al-Isra', 17:23-24)

Caring for and giving back to one's parents as they get older is an extremely important undertaking in Islamic culture. The Prophet (ﷺ) said,

رَغِمَ أَنْفُهُ ، ثُمَّ رَغِمَ أَنْفُهُ ، ثُمَّ رَغِمَ أَنْفُهُ ، قِيلَ : مَنْ يَا رَسُولَ اللَّهِ ؟  
 قَالَ : مَنْ أَدْرَكَ وَالِدَيْهِ عِنْدَ الْكِبَرِ أَحَدَهُمَا أَوْ كِلَيْهِمَا ، ثُمَّ لَمْ يَدْخُلِ الْجَنَّةَ

*"May he be disgraced! May he be disgraced! May he be disgraced! It was said, 'Who, O Messenger of Allah?' He said, 'The person whose parents, one or both of them, reach old age (during his lifetime) and does not enter Paradise (by rendering due services to them).'"* (Muslim)<sup>69</sup>

There is an increasing failure and shortcoming in this regard as many become less tolerant of their parents as they grow older and less mercy and respect is paid to them.

Keeping close ties with immediate and extended family is equally as important and is part of the preservation of posterity.

Allah (ﷻ) reminds us of this by saying,

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ  
 مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي  
 تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا

*"O mankind! Be conscious of your Lord who created you from a single soul, and created its mate from it, and out of the two spread a multitude of men and women. And fear Allah in*

<sup>69</sup> Muslim A.H. (2007). *English Translation of Sahih Muslim*. Riyadh: Dar-us-Salam Publications.

*whose name you demand (your rights) from one another and (in the rights of) womb relations. Verily, Allah is ever watchful over you." (al-Nisa', 4:1)*

Shari'ah regulates the life of a Muslim in all matters including marriage, divorce, inheritance, parenting, upbringing of children, rights of orphans, and ties of kith and kin. The aim is to keep the family line unambiguously defined. Accordingly, anything that frustrates this objective is discouraged or prohibited.

# Preservation of Wealth

## The Fourth Objective of Shari'ah

In Islam, shari'ah ensures the overall protection of wealth, whether private or public. Unlike the capitalist ideology, which asserts man owns what he possesses and his riches are for his free disposal; Islam teaches that our possessions and resources are merely a trust (*amanah* أمانة), whose actual owner is Allah (ﷻ).

وَلِلَّهِ مَا فِي السَّمَاوَاتِ وَمَا فِي الْأَرْضِ وَإِلَى اللَّهِ تُرْجَعُ الْأُمُورُ

*"Everything in the heavens and on earth belongs to Allah; and all matters return to Allah."* (Aal 'Imran, 3:109)

Allah (ﷻ) affirms,

وَلِلَّهِ خَزَائِنُ السَّمَاوَاتِ وَالْأَرْضِ

*"The treasures of the heavens and the earth belong to Allah."*  
(al-Munafiqun, 63:7)

Islam teaches that what we earn and subsequently own is nothing but a bounty from Allah (ﷻ).

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَى  
 ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ ذَلِكُمْ خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ (9) فَإِذَا  
 قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِنْ فَضْلِ اللَّهِ وَاذْكُرُوا  
 اللَّهَ كَثِيرًا لَعَلَّكُمْ تُفْلِحُونَ (10)

“(9) O you who believe, when the call to prayer is made on the day of congregation (Friday), hasten to the remembrance of Allah and leave off your trading. That is better for you, if you only knew. (10) When the prayer ends, disperse through the land and seek Allah's bounty; and remember Allah frequently, so that you may prosper.” (al-Jumu'ah, 62:9-10)

According to shari'ah, everything belongs to Allah alone, and He (ﷻ) will inherit it all.

وَلِلَّهِ مِيرَاثُ السَّمَاوَاتِ وَالْأَرْضِ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ

“It is Allah who will inherit the heavens and earth; Allah is well aware of what you do.” (Aal 'Imran, 3:180)

We are also taught that what we possess is a test from Allah (ﷻ).

وَاعْلَمُوا أَنَّمَا أَمْوَالُكُمْ وَأَوْلَادُكُمْ فِتْنَةٌ وَأَنَّ اللَّهَ عِنْدَهُ أَجْرٌ عَظِيمٌ

“And know that your wealth and children are a trial, and that there is an immense reward with Allah.” (al-Anfal, 8:28)

One can only claim one's legitimate right as their own. The rest belongs to Allah (ﷻ) and must be spent according to His wishes, such as helping the less fortunate among us; including our relatives, the poor, and stranded travelers. This should not be misunderstood to mean that man has no control over his wealth. After payment of the obligatory charity (*zakat*) and other mandatory expenditures, a person's money belongs to him or her and no one has the authority to usurp it.

وَأْتِ ذَا الْقُرْبَىٰ حَقَّهُ وَالْمِسْكِينَ وَابْنَ السَّبِيلِ وَلَا تُبَذِّرْ تَبْذِيرًا (26) إِنَّ  
الْمُبْذِرِينَ كَانُوا إِخْوَانَ الشَّيَاطِينِ وَكَانَ الشَّيْطَانُ لِرَبِّهِ كَفُورًا (27)

*“(26) And give your relatives their due, and the needy, and the wayfarer and do not squander your wealth extravagantly, (27) for verily those who squander are the brothers of the devils, and satan is ungrateful to his Lord.” (al-Isra’, 17:26-27)*

Extravagance of any sort is prohibited in Islam. Those who indulge in extravagance are described as brothers of satan. Additionally, while enjoying the bounties of Allah (ﷻ) is encouraged, any sort of wasting is highly discouraged.

يَا بَنِي آدَمَ خُذُوا زِينَتَكُمْ عِنْدَ كُلِّ مَسْجِدٍ وَكُلُوا وَاشْرَبُوا وَلَا تُسْرِفُوا  
إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ

*“O children of Adam, dress well at every place of worship, and eat and drink, but do not waste, for He does not love the wasteful.” (al-A’raf, 7:31)*

The Qur’an describes devoted believers as those who are moderate in their spending habits.

وَالَّذِينَ إِذَا أَنْفَعُوا لَمْ يُسْرِفُوا وَلَمْ يَقْتُرُوا وَكَانَ بَيْنَ ذَلِكَ قَوَامًا

*“And they (the servants of the Merciful) are those who are neither wasteful nor miserly when they spend, but keep a just balance between the two.” (al-Furqan, 25:67)*

This is in a nutshell the concept of wealth in Islam.

## Protection of Wealth

Shari’ah demands that wealth, whether personal or public, be protected. Among the things that help preserve and protect wealth is the encouragement of trade and investment, which promotes economic growth and reduces unemployment and

dependence of individuals on the state. In order to keep the economy afloat, money needs to be kept in circulation, passing from the hands of those who have it to those who need it in exchange for goods, services, or profit through trade and investment. Trade is the exchange of goods and services by a medium of exchange, while investment involves taking a risk with the hope of future gains, whether through production and sale of goods or lending money for a share in the profits earned. The Arabic word for investment is *istithmar* (استثمار), which literally means to bear fruit. The crop may be good or bad; hence the element of risk involved.

While lending money for a share in a business is permissible on a profit and loss basis, lending money on usury, which has assumed the euphemistic name of ‘interest,’ is forbidden. It is worth noting that, besides the Qur’an, earlier scriptures before Islam also prohibited usury.

The Qur’an reminded the Jews that their scriptures also prohibited usury.

وَأَخَذِهِمُ الرِّبَا وَقَدْ هُوَا عَنْهُ

*“And for their taking usury (interest), although it had been forbidden to them [the Jews].” (al-Nisa’, 4:161)*

Furthermore, the prohibition of usury can be found in the Bible.

*“Thou shalt not lend upon usury to thy brother; usury of money, usury of victuals, usury of anything that is lent upon usury.” [Deuteronomy, 23:19]<sup>70</sup>*

Usury was the basis for Jesus driving out “thieves” from the temple of God.

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<sup>70</sup> King James Bible

*“And Jesus went into the temple of God and cast out all them that sold and bought in the temple, and overthrew the tables of the money-changers and the seats of them that sold doves and said unto them: It is written; My house shall be called the house of prayer, but you have made it a den of thievers.”*

[Gospel of St. Mathew, 21:12-13]<sup>71</sup>

The common argument of those who deal in usury is that it is akin to trading. Their false position is categorically refuted by the Qur’an when it says,

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يُمُومُونَ إِلَّا كَمَا يُمُومُ الَّذِي يَتَحَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا

*“Those who take usury will rise up on the Day of Resurrection like someone tormented by satan’s touch. That is because they say, ‘Trade and usury are the same,’ But Allah has permitted trade and He has forbidden usury.”* (al-Baqarah, 2:275)

According to Sh. Yusuf al-Qaradawi, a contemporary Islamic jurist (*faqih*, فقهاء), the strict prohibition of usury/interest in Islam is a result of its deep concern for the moral, social, and economic welfare of mankind. Sh. Al-Qaradawi, in his book entitled, *The Permissible and the Prohibited (al-Halal wal Haram, الحلال والحرام)*, incorporated quotes from the exegesis of Imam Fakhr al-Din al-Razi. What we learn is the following: (1) The taking of interest implies appropriating another person’s property without offering anything in exchange because one who lends one dirham (a currency of the Middle East) for two dirhams gets the extra dirham for nothing; (2) Dependence on interest prevents people from working to earn money, since the person with money can earn an extra dirham through interest either in advance or at a later date without working for it; (3) Permitting the taking of interest discourages people from doing good to one another as is required by Islam; and (4) The lender is very likely to be wealthy and the borrower poor. If interest is allowed, the

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<sup>71</sup> ibid

rich will exploit the poor, which is against the spirit of charity and mercy.<sup>72</sup>

In a society in which interest is lawful, the strong benefit from the suffering of the weak. As a result, the rich become richer and the poor poorer, creating socio-economic classes separated by wide gaps. Islam does not confine the sin of dealing in usury to the lender alone, but considers all parties in the usurious transaction as accomplices. There are several prophetic traditions re-affirming the prohibition of interest. Jabir Ibn Abdullah (رضي الله عنه) reports,

لَعَنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ آكِلَ الرِّبَا وَمُؤَكِّلَهُ وَكَاتِبَهُ  
وَشَاهِدَيْهِ وَقَالَ هُمْ سَوَاءٌ.

*“The Prophet cursed the recipient of interest as well as its giver; the scribe of the interest-deed and the witnesses to it and further said that they are all equal (in the act of committing the sin).” (Muslim)<sup>73</sup>*

Thus, the prophetic narration covers nearly all the parties involved in the usurious transaction – the lender, borrower, the party drafting the contract (lawyers, agents, etc.), and all those who are contractual witnesses to the deal. Therefore, it is undeniable and irrefutable that interest, especially after its institutionalization in today’s modern world, is among the leading practices that threaten the protection of wealth and property.

Among other things that threaten the protection of wealth is hoarding; a type of business exploitation of consumers. The lust for money and the overemphasis on profit maximization leads to the hoarding of essential commodities during periods of scarcity and crises, in order to sell the commodities at lucrative prices. Many times, artificial scarcity of certain products is deliberately

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<sup>72</sup> Al-Razi, F. D. (1980). *Al-Tafsir al-Kabir*. Vol. 7, p. 4.

<sup>73</sup> Muslim A.H. (2007). *English Translation of Sahih Muslim*. Riyadh: Dar-us-Salam Publications.

created by hoarding large stocks. Islam vehemently condemns hoarding and warns those in business about the dreadful consequences of this behavior. The Messenger of Allah (ﷺ) said,

مَنْ اخْتَكَّرَ ، فَهُوَ خَاطِئٌ.

*“One who hoards (things for increasing their prices) is a wrongdoer.” (Muslim)<sup>74</sup>*

The sole idea behind the prohibition of interest and hoarding is to ensure that money does not only circulate solely among the rich. The Qur’an emphatically stresses this point,

كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ

*“In order that it may not circulate between the rich among you.” (al-Hashr, 59:7)*

Charity is another way to keep money circulating. Zakat or the annual obligatory charity is a perfect example of this. The Prophet (ﷺ) said,

مَا نَقَصَتْ صَدَقَةٌ مِنْ مَالٍ.

*“Charity does not reduce one’s wealth.” (Muslim)<sup>75</sup>*

This is interpreted by the notion that Allah (ﷻ) increases manifold the wealth spent for His sake. This concept is well illustrated in the Qur’anic *ayah*,

مَثَلُ الَّذِي يَنْفِقُونَ أَمْوَالَهُمْ فِي سَبِيلِ اللَّهِ كَمَثَلِ حَبَّةٍ أَنْبَتَتْ سَبْعَ سَنَابِلٍ فِي كُلِّ سُنْبُلَةٍ مِئَةٌ حَبَّةٍ وَاللَّهُ يُضَاعِفُ لِمَنْ يَشَاءُ وَاللَّهُ وَاسِعٌ عَلِيمٌ

*“The example of those who spend their wealth in the Way of Allah is that of a grain which produces seven ears, each*

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

*bearing one hundred grains. Allah gives manifold increase to whomever He wills. Allah is All-Encompassing, All-Knowing.” (al-Baqarah, 2:261)*

Another explanation of the concept that charity does not diminish one’s wealth, is the idea that if one dollar is put in the hands of a rich person, it will usually be retained by him as he has no need to spend it, whereas if the same is put in the hands of a poor person, he will spend it, and the dollar will change hands, thus making it more effective than the dollar lying idle with the rich person. It can be argued, therefore, that the giving of a dollar by way of charity has not decreased, rather increased in the material sense and also by way of reward from Allah (ﷻ).

Subsequently, shari’ah adopts legislative measures to protect the wealth of people. Any person charged with fraud, embezzlement, bribery, cheating or any other financial crime is subject to prosecution. All means of cheating people are strongly condemned and prohibited.

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْخِلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ  
أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

*“Do not eat up each other’s property by false means, nor use it to bribe judges intending sinfully and knowingly to consume parts of other people’s property.” (al-Baqarah, 2:188)*

Shari’ah commands people to be just in their business dealings. Deterrent punishments are prescribed for theft, burglary, robbery, banditry, and the like, for safeguarding people’s properties and for the greater good of the society. Unfortunately, instances of financial scams, fraud, kickbacks, money laundering, and other gross financial indiscretions, especially in the highest echelons of government and corporations, are widespread today and receive little to no penalty.

Shari’ah also goes a long way to protect the rights and property of orphans.

وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ وَأَوْفُوا الْكَيْلَ  
وَالْمِيزَانَ بِالْقِسْطِ

*“Stay away from the property of orphans, except with the best (intentions), until they come of age; and give full measure and weight with justice.” (al-An’am, 6:152)*

While shari’ah allows useful investment of an orphan’s property and allows the guardian to take a share by way of wages for any work done, the wealth of an orphan belongs solely to the orphan and not to anyone else. People are warned against any encroachment upon or foul play with an orphan’s property.

وَأْتُوا الْيَتَامَىٰ أَمْوَالَهُمْ وَلَا تَتَبَدَّلُوا الْخَيْرَ بِالْضَلِيلِ وَلَا تَأْكُلُوا أَمْوَالَهُمْ إِلَىٰ  
أَمْوَالِكُمْ إِنَّهُ كَانَ حُوبًا كَبِيرًا

*“Give the orphans their property, and do not replace (their) good things with (your) bad things, and do not consume their property with your own, for truly it is a great sin!” (al-Nisa’, 4:2)*

Shari’ah pledges to protect the wealth of non-Muslims even if what is considered as valuable to them is of no significance to Muslims in terms of material value, such as swine or liquor. According to Imam Abu Hanifa, if a Muslim squanders or spoils such property of another Muslim, he could not be called upon for compensation. Yet, if a Muslim spoils such assets belonging to a non-Muslim, he would be responsible for compensation.

The preservation of wealth is among the necessities or essentials (*darurriyat*, ضروريات) required for the establishment of the welfare of a society at large.

# Preservation of Intellect

## The Fifth Objective of Shari'ah

The fifth objective of shari'ah is the preservation of intellect (*hifz al-'aql* حفظ العقل). Among the most cherished gifts of Allah (ﷻ) is the faculty of intellect (*al-'aql* العقل), which differentiates human beings from animals. It is through this faculty one is able to reason and make sound judgments. Such a precious blessing needs protection. What is intellect and what is its purpose? Where does it reside in the human body? The answer to these questions play an important role in one's life. It can either benefit or ruin them in both worlds; hence the necessity to preserve and protect it.

*Al-'aql* (العقل) which is derived from the root '*a-qa-la* (ع ق ل), means to detain, to arrest, to comprehend, and to have intelligence. As a term, it means intellect, discernment, and intelligence. It may be defined or understood as the mind's ability to apply knowledge to a problem or the power of the mind to know or understand. *Al-'aql* does not constitute any physical part of our body, but is a faculty that enables us to reason, think, plan, and learn. It is intellect that differentiates man from animals and allows one to occupy a unique position among Allah's creations.

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ  
وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِمَّنْ خَلَقْنَا تَفْضِيلًا

*“And We have indeed honored the children of Adam and carried them by land and sea; We have provided good sustenance for them; and favored them far above most of Our creation.” (al-Isra’, 17:70)*

People generally believe that the seat of the intellect is the brain. Subject to interpretation, the Qur’an tells us that it is the heart.

أَفَلَمْ يَسِيرُوا فِي الْأَرْضِ فَتَكُونَ لَهُمْ قُلُوبٌ يَعْقِلُونَ بِهَا أَوْ آذَانٌ  
يَسْمَعُونَ بِهَا

*“Have they not travelled through the land with hearts to reason with or ears to hear with?” (al-Hajj, 22:46)*

This is further corroborated by the prophetic narration on the authority of al-Mu’man bin Bashir (رضي الله عنه) which states,

أَلَا وَإِنَّ فِي الْجَسَدِ مُضْعَةً إِذَا صَلَحَتْ صَلَحَ الْجَسَدُ كُلُّهُ وَإِذَا فَسَدَتْ  
فَسَدَ الْجَسَدُ كُلُّهُ ، أَلَا وَهِيَ الْقَلْبُ .

*“Indeed there is in the body a piece of flesh which if it is sound, then the whole body is sound; and if it is corrupt, then the whole body is corrupt. Indeed it is the heart.” (al-Bukhari)<sup>76</sup>*

The brain is akin to the central processing unit (CPU) of the body, where all information and data are collected through the faculties of hearing and seeing, and then transmitted to the heart; but it is the intellect within the heart that makes the decision and commands the brain to do or not to do something.

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<sup>76</sup> Al Bukhari, M.B.I. (2003). *Al’ Bukhari’s Sahih: The correct traditions of Al’ Bukhari*. Beirut, Lebanon: Dar Al-Kotob Al Ilmiyah (DKI)

Therefore, it is the heart that is responsible for comprehending and understanding. This becomes all the more clear with the *ayah*,

وَلَقَدْ ذَرَأْنَا لِجَهَنَّمَ كَثِيرًا مِّنَ الْجِنِّ وَالإِنسِ لَهُمْ قُلُوبٌ لَّا يَفْقَهُونَ بِهَا

*“And most certainly We have destined for hell many of the jinn<sup>77</sup> and men who have hearts with which they fail to understand.”* (al-A’raf, 7:179)

In the following *ayah*, the Qur’an uses the word *fu’ad* (فؤاد) to denote both heart and intellect. *Surat al-Qasas*, The Narration, explains,

وَأَصْبَحَ فُؤَادُ أُمِّ مُوسَىٰ فَارِعًا إِنَّ كَادَتْ لِتُبَدِّي بِهِ لَوْلَا أَن رَّبَطْنَا عَلَىٰ قَلْبِهَا لِتَكُونَ مِنَ الْمُؤْمِنِينَ

*“Moses’ mother felt a great emptiness in her heart (fu’ad), and she was going almost to disclose his (case) had We not strengthened her heart (with faith), so that she might remain a (firm) believer.”<sup>78</sup>* (al-Qasas, 28:10)

The same word *fu’ad* (فؤاد) is used to mean intellect as we see in *Surat al-Mulk*, The Dominion,

قُلْ هُوَ الَّذِي أَنْشَأَكُمْ وَجَعَلَ لَكُمُ السَّمْعَ وَالْأَبْصَارَ وَالْأَفْئِدَةَ قَلِيلًا مَّا تَشْكُرُونَ

*“Say (O Prophet), ‘It is He who brought you into being and*

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<sup>77</sup> Supernatural beings that were created before humans that are neither innately evil nor innately good. These beings are akin to that of the shedim in the Jewish tradition also referred to as ‘spirits’ or ‘demons’ among Christians.

<sup>78</sup> This *ayah* is a reference to Moses’ mother receiving inspiration from Allah (ﷻ) to place Moses in a basket to sail the Nile river.

*gave you hearing, sight, and understanding (af'idah, plural of fu'ad). What little thanks you give!'" (al-Mulk, 67:23)*

Referring to Prophet Ibrahim (عَلَيْهِ السَّلَامُ), Allah (ﷻ) mentions his sound heart (*al-qalb al-saleem* – القلب السليم) that refused to reconcile with the polytheism of the idolatrous environment in which he was living, and was both rationally and inherently directed towards the absolute oneness of God (*tawhid*).

وَإِنَّ مِنْ شَيْعَتِهِ لِإِبْرَاهِيمَ (83) إِذْ جَاءَ رَبَّهُ بِقَلْبٍ سَلِيمٍ (84)

*"Verily among those who followed his [Noah's] way was Abraham, when he came to his Lord with a sound heart."*  
(al-Saffat, 37:83-84)

There are two main purposes of the intellect. The first is to reflect and recognize the signs around us in order to arrive at the truth. The second is to think and plan how to live our lives in this world in the best way possible.

Among the factors that help us preserve and protect the intellect are the obligation of learning and reflection. Seeking beneficial knowledge helps with the protection and strengthening of faith. The Prophet (ﷺ), on the authority of Anas Ibn Malik (رضي الله عنه), emphatically said,

طَلَبُ الْعِلْمِ فَرِيضَةٌ عَلَى كُلِّ مُسْلِمٍ.

*"Seeking knowledge is an obligation upon every Muslim (men and women)."* (Ibn Majah)<sup>79</sup>

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<sup>79</sup> Al-Qazwini Ar-Rib'I, M.B.Y. (aka, Ibn Majah). Translator, al Sharif, M.M. (2008). *Sunan Ibn Majah: The Sixth Correct Tradition of The Prophetic Sunna*. Beirut, Lebanon: Dar Al-Kotob Al Ilmiyah (DKI)

In another hadith narrated by Abu Hurairah (رضي الله عنه), the Prophet (ﷺ) said,

مَنْ سَلَكَ طَرِيقًا يَلْتَمِسُ فِيهِ عِلْمًا سَهَّلَ اللَّهُ لَهُ بِهِ طَرِيقًا إِلَى الْجَنَّةِ.

*"If anyone pursues a path in search of knowledge, Allah will thereby make easy for him a path to paradise." (Muslim)<sup>80</sup>*

The very first word revealed to Prophet Muhammad (ﷺ) was the imperative or command, "Read - اقرأ", which represents knowledge. It was the inclination to seek knowledge that positioned the early Muslims ahead of their time. This Islamic way of thinking that remained the dominant paradigm for centuries needs to be revived and revitalized. Allah (ﷻ) acknowledges the difference between those who have knowledge and those who do not.

قُلْ هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ لَا يَعْلَمُونَ إِنَّمَا يَتَذَكَّرُ أُولُو الْأَلْبَابِ

*"Say (O Prophet), 'How can those who know be equal to those who do not know?' Only those who exercise their intellect take heed." (al-Zumar, 39:9)*

The possessor of true knowledge in fact is close to Allah (ﷻ) and close to *the* truth.

إِنَّمَا يَخْشَى اللَّهَ مِنْ عِبَادِهِ الْعُلَمَاءُ

*"Only those of Allah's servants who have knowledge fear Allah." (Fatir, 35:28)*

To reflect, ponder, and contemplate in order to recognize the truth is also a means of preserving and protecting the intellect. There is a reality that can be

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<sup>80</sup> Muslim A.H. (2007). *English Translation of Sahih Muslim*. Riyadh: Dar-us-Salam Publications.

observed and experienced through our senses and another reality that belongs to the realm of the unseen. For example, even though we do not see God as He is transcendent, by pondering over His countless signs spread around us, our intellect can rationalize His existence as an undeniable reality. The Qur'an invites us to reflect on the signs of Allah (ﷻ),

إِنَّ فِي خَلْقِ السَّمَاوَاتِ وَالْأَرْضِ وَاخْتِلَافِ اللَّيْلِ وَالنَّهَارِ لآيَاتٍ  
 لِأُولِي الْأَلْبَابِ (190) الَّذِينَ يَذْكُرُونَ اللَّهَ قِيَامًا وَقُعُودًا وَعَلَىٰ جُنُوبِهِمْ  
 وَيَتَفَكَّرُونَ فِي خَلْقِ السَّمَاوَاتِ وَالْأَرْضِ رَبَّنَا مَا خَلَقْتَ هَذَا بَاطِلًا  
 سُبْحَانَكَ فَقِنَا عَذَابَ النَّارِ (191)

*“Verily, in the creation of the heavens and the earth, and the alternation of night and day, there are indeed signs for men of understanding; those who remember Allah, standing, sitting, and lying on their sides, and reflect on the creation of the heavens and the earth, (saying), ‘Our Lord, You have not created this without purpose. Glory be to You! So protect us from the torment of the fire.’” (Aal ‘Imran, 3:190-191)*

People who reflect on the signs of Allah (ﷻ), using their pure intellect; hence, pure heart, reach the inevitable conclusion that there can only be one God who is responsible for the existence of the entire universe.

Although man has made great strides in gaining knowledge of the material world, he continues to struggle to find answers to basic fundamental questions, such as, “Who am I?” “Where did I come from?” “What is my purpose in life?” and, “Where do I go after I die?” The answer to such questions can only be understood through revelations received by prophets and messengers from Allah (ﷻ) since the dawn of human history.

Once a framework of belief is established and our relationship with the Creator and the creation are understood, we use our intellect to think and plan in order to live our worldly and spiritual lives in the best way possible. Emphasizing the importance of achieving excellence and striving for perfection in whatever we do, the Prophet (ﷺ), on the authority of Shaddad ibn Aws (رضي الله عنه), said,

إِنَّ اللَّهَ كَتَبَ الْإِحْسَانَ عَلَى كُلِّ شَيْءٍ.

*“Allah has ordained excellence in everything.” (Muslim)<sup>81</sup>*

He (ﷺ) also said on the authority of Aisha (رضي الله عنها),

إِنَّ اللَّهَ تَعَالَى يُحِبُّ إِذَا عَمِلَ أَحَدُكُمْ عَمَلًا أَنْ يُتْقِنَهُ.

*“Allah, the Exalted, loves that whenever any of you do something, do it to perfection.” (Bayhaqi)<sup>82</sup>*

Practicing faith with the full use of the intellect is important and conducive to understanding the wisdom behind Allah’s commands and prohibitions, and behind the various modes of worship. We learn from the Qur’an that prayer (*salah*) fosters the remembrance of Allah (ﷻ), fasting (*saum*) helps attain consciousness of God (*taqwa*), alms-giving (*zakat*) purifies wealth and pilgrimage (*hajj*) renews one’s covenant with Allah (ﷻ) while seeking His forgiveness. Understanding the wisdom behind the various modes of worship make them more meaningful as they are not mere actions to be done out of habit or tradition. Thus, the God-gifted faculties of hearing, seeing,

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<sup>81</sup> Muslim A.H. (2007). *English Translation of Sahih Muslim*. Riyadh: Dar-us-Salam Publications.

<sup>82</sup> Al-Bayhaqi A. A. (2010). *Al-Sunan al-Kubra*. Beirut, Lebanon: Dar Al-Kotob Al Ilmiyah (DKI)

and intellect must be put to good use at all levels, whether individual, collective, private or public.

As a general rule of thumb, shari' ah prohibits anything that threatens the protected inalienable rights of people pertaining to their faith, life, wealth, posterity, and intellect. By this rule, there are two main factors that threaten the intellect. These are: (1) intoxicants and (2) entertaining or cultivating harmful thoughts and ideas.

*Khamr*<sup>83</sup> (خمر) is the generic Qur'anic term for every intoxicant. All speculations about a certain substance being *khamr* or not and whether it is prohibited or not have been resolved by the prophetic narration on the authority of Abdullah Ibn Umar (رضي الله عنهما) which unequivocally states,

كُلُّ مُسْكِرٍ خَمْرٌ وَكُلُّ خَمْرٍ مُسْكِرٌ حَرَامٌ.

"Every intoxicant is *khamr* and every *khamr* is prohibited."  
(Muslim)<sup>84</sup>

The Prophet (ﷺ) also defined *khamr* as anything that beclouds or muddles the mind. Intoxicants dull the brain, cloud the mind, and may produce hallucinogenic effects that alter the brain. The heart receives impaired signals from the brain and therefore its capacity to make sound and proper decisions is compromised. Nevertheless, there are those who argue there are benefits to consuming *khamr*. Allah (ﷻ) informs in the Qur'an that the harm and sin of indulging in these actions is far greater than their benefits.

يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنَافِعُ لِلنَّاسِ  
وَإِثْمُهُمَا أَكْبَرُ مِنْ نَفْعِهِمَا

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<sup>83</sup> The word *khamr* in Arabic is commonly translated as wine.

<sup>84</sup> Muslim A.H. (2007). *English Translation of Sahih Muslim*. Riyadh: Dar-us-Salam Publications.

*"They ask you, (O Prophet) concerning intoxicants and gambling. Say, 'There is a great sin in both, and some benefit for people, but their sin is greater than their benefit.'"*  
(al-Baqarah, 2:219)

Hence, intoxicants are prohibited.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ  
عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ

*"O you who believe, intoxicants, gambling, idolatrous sacrifices at altars, and divining arrows are but abominable acts of satan. Therefore, avoid them so that you may prosper."*  
(al-Ma'idah, 5:90)

Apart from intoxicants, entertaining and cultivating harmful thoughts and ideas may also threaten the intellect. Indulging in these practices distract us from the truth and is therefore discouraged. An example of this is to delve into the issue of the essence and being of God. The Prophet (ﷺ) is reported to have advised people to think about anything other than the origin of God. He advised us to reflect on His creation but not to reflect on His Being.

تَفَكَّرُوا فِي آلَاءِ اللَّهِ ، وَلَا تَفَكَّرُوا فِي اللَّهِ .

*"Think about the creation, but do not think about the Creator."*<sup>85</sup>

This is due to the fact that the Being of God is incomprehensible. The Qur'an asserts,

لَيْسَ كَمِثْلِهِ شَيْءٌ

*"There is nothing like Him."* (al-Shura, 42:11)

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<sup>85</sup> Schimmel A. (1994). *Deciphering the Signs of God: A Phenomenological Approach to Islam*. State University of New York Press

# Preservation of Human Rights

## Another Objective of Shari'ah

According to most classical Muslim scholars, the objectives of shari'ah (*Maqasid al-Shari'ah* مقاصد الشريعة), as discussed in the previous chapters, are five: preservation of faith, life, wealth, posterity, and intellect. That being said, there are classical and contemporary scholars who add other objectives to these five well-known standard objectives. According to Al-Ghazali,<sup>86</sup> anything that furthers the five objectives of the shari'ah is beneficial (*maslahah* مصلحة) and anything that runs contrary to them is detrimental (*mafsadah* مفسدة). For Ibn Taymiyyah,<sup>87</sup> values such as the fulfillment of contracts, preservation of ties of kinship, honoring the rights of neighbors, and trustworthiness are also among the objectives of shari'ah. Ibn Ashur<sup>88</sup> includes preservation of family and social order, as well as promotion of the well-being and righteousness of the community among shari'ah's objectives. More contemporarily, Sh. Yusuf al-

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<sup>86</sup> Al-Ghazali (d. 1111) was a Muslim theologian, jurist, philosopher and mystic of Persian descent.

<sup>87</sup> Ibn Taymiyyah (d.1328) was an Islamic scholar, philosopher, theologian and logician.

<sup>88</sup> Ibn Ashur (d. 1973) was a Muslim reformist known for his efforts to renew Islamic legal theory.

Qaradawi<sup>89</sup> has further extended the list to include human dignity, freedom, social welfare, and human fraternity among the higher objectives of shari'ah. The objectives spelled out by these scholars are supported by *ayat* in the Qur'an and the prophetic narrations, the two main sources of shari'ah.

Many of the values mentioned above are the inalienable and unalterable rights granted to human beings by Allah (ﷻ), the ultimate lawgiver, and are considered basic human rights in Islam. The distinguishing feature of human rights in Islam is that they are the natural outcome of a broader practice of faith, deeds, and social behavior that Muslims believe are divinely mandated. The Qur'an says,

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ  
الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُم لَعَلَّكُمْ تَذَكَّرُونَ (90) وَأَوْفُوا بِعَهْدِ  
اللَّهِ إِذَا عَاهَدْتُمْ وَلَا تَنْقُضُوا الْأَيْمَانَ بَعْدَ تَوْكِيدِهَا وَقَدْ جَعَلْتُمُ اللَّهَ  
عَلَيْكُمْ كَفِيلًا إِنَّ اللَّهَ يُعَلِّمُ مَا تُفْعَلُونَ (91)

*“Verily, Allah commands justice, the doing of good, and giving to relatives, and He forbids immorality, doing wrong, and oppression. He exhorts you so that you may take heed. And fulfill Allah’s covenant when you have made a pledge, and do not break your oaths after you have confirmed them, for you have made Allah your guarantee. Surely, Allah knows what you do.” (al-Nahl, 16:90-91)*

What constitutes human rights? Is there a universal understanding or body that ensures they are granted to every member of society? These questions have been the subject of historic documents such as *The Magna Carta*, *The French Declaration of the Rights of Man*, *The American Bill of Rights*, and *The Geneva Convention*. What is often overlooked, however, is the

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<sup>89</sup> Yusuf al-Qaradawi is a Muslim jurist and theologian. He is the chairman of the International Union of Muslim Scholars.

fact that these questions have been addressed by various religious traditions. The Islamic model of human rights in particular is striking in its rigor, vision, and relevance to modern times. Islam's contribution to human rights can be appreciated when compared against the backdrop of world history and the realities of modern times.

Social, racial, gender, and religious inequities have always existed. Economic and social disparities have resulted in oppression of the lower classes while racial prejudice is at the root of enslavement and at the center of systemic racism prevalent today. Women have been weighed down by chauvinistic arrogance for centuries and pervasive attitudes of religious superiority have led to widespread persecution of people of different beliefs.

When considering the question of human rights and Islam, it is important to remember the distinction between textually prescribed rights, and their misinterpretation and misapplication by those in power.

A prime example of this are groups such as ISIS, Boko Haram, and Al-Qaeda, among other extremist groups who misinterpret and misrepresent shari'ah. The actions of such groups are unequivocally contrary to the teachings of Islam. In the case of ISIS, the barbaric beheadings, public executions, forced conversions, destruction of holy sites, and other crimes carried out in the name of Islam contravene the very ideals and principles of shari'ah.

There is a plethora of evidence from the Qur'an, prophetic traditions, and classical texts that expose ISIS' misuse and abuse of shari'ah. In an open letter, over 125 internationally renowned scholars from around the world denounced ISIS and refuted its leader, Abu Bakr Al-Baghdadi, in accordance with this evidence (see appendix for an executive summary and conclusion.) As we

learned previously, preservation of life is of the highest importance in shari'ah. Additionally, Islam calls for the safety and security of houses of worship, not their destruction.

وَأَوْلَا دَفَعُ اللَّهُ النَّاسَ بَعْضَهُمْ بِبَعْضٍ لَّهَدَمْتُ صَوْمِعَ وَيَعِ  
 وَصَلَوْتُ وَمَسَجِدُ يُذَكَّرُ فِيهَا اسْمُ اللَّهِ كَثِيرًا ۖ وَلَيَنْصُرَنَّ اللَّهُ مَنْ  
 يَنْصُرُهُ ۗ إِنَّ اللَّهَ لَقَوِيٌّ عَزِيزٌ

*“Had Allah not repelled some people by means of others, many monasteries, churches, synagogues, and mosques, where God’s name is much invoked, would have been destroyed. Allah is sure to help those who help His cause for, verily; Allah is most powerful, almighty.” (al-Hajj, 22:40)*

Furthermore, forced conversions are contrary to Islamic teachings.

لَا إِكْرَاهَ فِي الدِّينِ

*“There shall be no coercion in matters of faith.” (al-Baqarah, 2:256)*

The unfortunate reality is that the mainstream media is not interested in what Islamic scholars have to say on the matter despite the fact that ISIS does not represent Islam nor the 1.6 billion Muslims worldwide.

## Human Rights in Islam

Sayyid Abul A’la al-Mawdudi<sup>90</sup>, a contemporary scholar of Islam, expounds upon human rights in Islam as the right to life and safety, respect for the chastity of women, the right to a basic standard of life, an individual’s right to freedom, justice, and the

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<sup>90</sup> Sayyid Abul A’la al-Mawdudi (d. 1979) was an Islamic scholar, political philosopher, journalist, Muslim revivalist leader in India and later in Pakistan.

principle of equality of human beings, as well as the right to cooperate and not to cooperate.<sup>91</sup>

## The Right to Life and Safety

The most basic right of a human being is the right to life. Islam views life as a sacred trust from Allah (ﷻ). No human being is permitted to take the life of another, unless it is for justice administered by a competent court following due process of law. Not only do human beings have the right not to be harmed, they have the right to be safeguarded from harm – physical or otherwise. Under Islamic law, people are legally liable, for instance, if they did not prevent a blind man from dying from a perilous fall provided they were in a position to do so.

Even in a state of war, Islam instructs one to deal with the enemy nobly on the battlefield. A clear line of distinction is drawn between combatants and non-combatants. For the non-combatant population such as women, children, the elderly and the infirm; the instructions of the Prophet (ﷺ) according to a hadith narrated by Anas Ibn Malik (رضي الله عنه) are as follows:

انْطَلِفُوا بِاسْمِ اللَّهِ وَبِاللَّهِ وَعَلَى مِلَّةِ رَسُولِ اللَّهِ لَا تَقْتُلُوا شَيْخًا قَانِيًا وَلَا  
طِفْلًا صَغِيرًا وَلَا امْرَأَةً وَلَا تَعْلُوا وَضُمُّوا عَنَائِمَكُمْ وَأَصْلِحُوا وَأَحْسِنُوا  
فَإِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ.

*“Go in Allah’s name, trusting in Allah, and adhering to the religion of Allah’s messenger; do not kill a feeble old man, or a young infant, or a child, or a woman; and do not commit*

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<sup>91</sup> Al-Mawdudi S.A. (1999). *Human Rights in Islam*. Da’wah Academy, International Islamic University, Islamabad.

*excesses. Collect your spoils, do right and act well, for Allah loves those who do well.” (Abu Dawud)<sup>92</sup>*

From this statement, jurists have concluded that those who are non-combatants must not be harmed inside or outside of war. Thus, non-combatants are guaranteed security of life even if their state is at war with an Islamic state. It is further stressed in the Qur’an,

وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا

*“And if any saves a life, it is as if he saves the lives of all mankind.” (al-Ma’idah, 5:32)*

The duty of saving or preserving lives extends to all human beings without distinction or discrimination. Saving a life could take any form – providing food to the hungry, medical aid to the sick, or saving someone from drowning or some other precarious circumstance. We are one human family.

## **Respect for the Chastity of Women**

Mawdudi explains that a woman’s chastity is to be respected and protected under all circumstances, irrespective of whether she belongs to our own nation or to our enemy’s nation; whether she is a Muslim, from another faith, or an atheist. A Muslim cannot violate a woman under any circumstance, be it a whistle or as atrocious as rape. Furthermore, all promiscuous relationships are forbidden, irrespective of the status or position of either party; whether they are willing or unwilling to commit the act.<sup>93</sup> The Qur’an decrees,

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<sup>92</sup> Ash’ath A.S. (2008). *English Translation of Sunan Abu Dawud*. Riyadh: Dar-us-Salam Publications.

<sup>93</sup> Al-Mawdudi S.A. (1999). *Human Rights in Islam*. Da’wah Academy, International Islamic University, Islamabad.

وَلَا تَقْرَبُوا الزَّيْنَةَ إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا

*“And do not go near adultery, for it is a shameful deed, and an evil way.” (al-Isra’, 17:32)*

Heavy punishment has been prescribed for the crime of sexual assault against women and one who perpetrates this crime cannot escape punishment, whether he receives it in this world or in the Hereafter. The sanctity of chastity and protection of women is regulated through the lowering of the gaze and modesty requirements of both men and women, outwardly and inwardly. Today, women all around the world are exploited and abused. Their physical charm and beauty are brazenly displayed for commercial ends. Islam, on the other hand, works to prevent all avenues that may lead to a violation of the honor of women. Allah (ﷻ) commands both believing men and women to lower their gazes and guard their modesty,

قُلْ لِلْمُؤْمِنِينَ يَعْضُوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ  
إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ (30) وَقُلْ لِلْمُؤْمِنَاتِ يَعْضُضْنَ مِنْ  
أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا  
وَلِيَضْرِبْنَ بِخُمُرِهِنَّ عَلَى جُيُوبِهِنَّ (31)

*“(30) (O prophet) tell the believing men that they should lower their gaze and guard their private parts. That is purer for them. Allah is well aware of what they do. (31) And tell the believing women that they should lower their gaze, guard their private parts, and not display their charms beyond what is acceptable to show and draw their head-coverings over their necklines.” (al-Nur, 24:30-31)*

Islam places great honor on women and the preservation of her chastity. Unfortunately, the treatment of women in many Muslim majority countries reminds us of the intense work there is yet to accomplish. The perception of women as subordinate to men and unworthy of education, a career or simply, a voice, are

catalysts that debase her and ultimately lead to the crimes against her chastity.

## The Right to a Basic Standard of Life

It is an obligation of the state and all Muslims to ensure the basic standard of life is provided to anyone who is unable to take care of themselves regardless of their religious affiliation, creed or ethnic background.

وَفِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ وَالْمَحْرُومِ

*“And in their wealth there is an acknowledged right for the beggar and the deprived.”* (al-Zariyat, 51:19)

The words of this *ayah* denote an unconditional order. It was revealed in Mecca at a time when no Muslim society was in existence and when Muslims lived amongst those who opposed them. This confirms that *anyone* who suffers from deprivation has a right to the wealth and property of a Muslim, irrespective of the deprived person’s faith, color, ethnic background, nationality, etc. If one is in a position to help and a needy person asks one for help or if one comes to know that he is in need, it is one’s duty to help him.

## An Individual’s Right to Freedom

Man is born free. Islam has clearly and categorically forbidden the primitive practice of capturing a free man to make him a slave or to sell him into slavery. On this point the unequivocal words of the Prophet (ﷺ) on Allah’s behalf as narrated by Abu Hurairah (رضي الله عنه) are as follows:

قَالَ اللَّهُ تَعَالَى: ثَلَاثَةٌ أَنَا حَصْمُهُمْ يَوْمَ الْقِيَامَةِ: رَجُلٌ أَعْطَى بِي ثُمَّ عَدَرَ، وَرَجُلٌ بَاعَ حُرًّا فَأَكَلَ مَمْنَهُ، وَرَجُلٌ اسْتَأْجَرَ أَجِيرًا فَاسْتَوْفَى مِنْهُ وَمَنْ يُعْطِ أَجْرَهُ.

*"Allah the Exalted said, "There are three (types of people) whose adversary I shall be on the Day of Resurrection: a man who has given his word by Me and has broken it; a man who has sold a free man and has consumed the price; and a man who has hired a workman, has exacted his due in full from him and has not given him his wage." (al-Bukhari)<sup>94</sup>*

Fourteen centuries ago, Islam addressed the inhumane practice of slavery. The edict is all-encompassing; it has not been qualified or made applicable to a particular nation, race, country, or followers of a particular religion. Freeing a slave was not only a means of (*kaffarah* كَفَّارَةٌ), but also a virtue of the highest order.

وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ

*"And if anyone kills a believer by mistake, he must free one Muslim slave and pay compensation to the victim's relatives." (al-Nisa', 4:92)*

وَمَا أَدْرَاكَ مَا الْعُقْبَةُ (12) فَكُّ رَقَبَةٍ (13)

*"What will explain to you what the steep path is? It is to free a slave." (al-Balad, 90:12-13)*

Inspired by such divine declarations to be kind to slaves and to free them, the Prophet (ﷺ), his family, and his companions freed a large number of slaves. Within a short period of thirty to forty years, the centuries old practice of slavery was abolished from Arab lands.

<sup>94</sup> Al Bukhari, M.B.I. (2003). *Al' Bukhari's Sahih: The correct traditions of Al' Bukhari*. Beirut, Lebanon: Dar Al-Kotob Al Ilmiyah (DKI)

## Right to Justice

Islam requires Muslims possess upright character and deal justly with the entire human race, irrespective of their ethnicity, nationality, creed, and whether they are friend or foe. This is a valuable right Islam has bestowed upon every man. Some of the Qur'anic injunctions regarding this decree are:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ  
شَنَاةُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ  
اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

*“O you who believe, stand out firmly for Allah, bearing witness for justice. And never let the enmity of any people make you swerve from acting justly. Be just. That is closer to piety (taqwa). And remain conscious of Allah. Verily, Allah is aware of what you do.” (al-Ma'idah, 5:8)*

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ  
أَنْفُسِكُمْ أَوِ الْوَالِدِينَ وَالْأَقْرَبِينَ إِن يَكُنْ غَنِيًّا أَوْ فَقِيرًا فَاللَّهُ أَوْلَىٰ بِهِمَا  
فَلَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَعْدِلُوا وَإِنْ تَلَوُّوا أَوْ نُعِرْضُوا فَإِنَّ اللَّهَ كَانَ بِمَا  
تَعْمَلُونَ خَبِيرًا

*“O you who believe, stand out firmly for justice, as witnesses to Allah, even if it is against yourselves, your parents, or your close relatives. Whether the person is rich or poor, Allah has a greater right over them. So do not follow your desires, lest you swerve from justice – if you distort (your testimony) or refuse (to give your testimony), Allah is fully aware of what you do.” (al-Nisa', 4:135)<sup>95</sup>*

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<sup>95</sup> This *ayah* can be found at the entrance of Harvard University's faculty library, describing the *ayah* as one of the greatest expressions of justice in history.

Muslims, therefore, must not be unjust to anyone. Their permanent character should be such that no man should ever fear injustice at their hands, and they should treat every human being with justice and fairness.

The Indian independence activist and poet, Sarojini Naidu (d. 1949), in her lecture on “The Ideals of Islam” stated, “[The] sense of justice is one of the most wonderful ideals of Islam, because as I read the Koran, I find those dynamic principles of life: not mystic, but practical ethics for the daily conduct of life, suited to the whole world.”<sup>96</sup>

In 1935, the United States Supreme Court honored Prophet Muhammad (ﷺ) as one of the greatest lawgivers of the world along with many others, including Moses, Solomon, Confucius, and Hammurabi. This is a significant tribute to one of the greatest prophets of Allah (ﷻ). The



*Historical and allegorical figures on Supreme Court frieze, from left: Charlemagne, Muhammad, and Justinian. Muhammad is depicted holding the Quran, the primary source of Islamic Law. (Photo: Wikimedia.org)*

commemoration stands today to remind us that the system of laws Prophet Muhammad (ﷺ) established over 1,400 years ago was one based on justice that is ever relevant today.

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<sup>96</sup> Naidu S. (December, 1917). *Ideals of Islam*. Retrieved from [http://www.columbia.edu/itc/mealac/pritchett/00islamlinks/txt\\_sarojininaidu\\_islam\\_1917.html](http://www.columbia.edu/itc/mealac/pritchett/00islamlinks/txt_sarojininaidu_islam_1917.html)

## Equality of Human Beings

According to Islam, man inherits the right of equality from Allah (ﷻ) as a birthright. Consequently, no one should be discriminated against on the grounds of the color of their skin, race, or the nation in which they were born. The following *ayah* lays the foundation of the social system in Islam.

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا  
وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ حَبِيرٌ

*“O mankind! We created you from a male and a female, and made you into nations and tribes so that you may come to know (and cooperate with) one another. Verily, the noblest of you in the sight of Allah is (he who is) the most righteous of you. Verily, Allah is all-knowing, all-aware.”*(al-Hujurat, 49:13)

In sum, all human beings are brothers and sisters to one another. They are all descendants from one father (Adam) and mother (Eve). In the sight of Allah (ﷻ), the only basis for superiority or inferiority of an individual is through piety or God-consciousness. This was further explained by the Prophet (ﷺ) in his Farewell Sermon,

يَا أَيُّهَا النَّاسُ ، أَلَا إِنَّ رَبَّكُمْ وَاحِدٌ ، وَإِنَّ أَبَاكُمْ وَاحِدٌ ، أَلَا لَا فَضْلَ  
لِعَرَبِيٍّ عَلَىٰ أَعْجَمِيٍّ ، وَلَا لِعَجَمِيٍّ عَلَىٰ عَرَبِيٍّ ، وَلَا لِأَحْمَرَ عَلَىٰ  
أَسْوَدَ ، وَلَا لِأَسْوَدَ عَلَىٰ أَحْمَرَ ، إِلَّا بِالتَّقْوَىٰ .

*“O people! Your lord is one and your father (Adam) is one, an Arab has no superiority over a non-Arab; nor does a non-Arab have any superiority over an Arab; also a white has no*

*superiority over black nor does a black have any superiority over white except by piety.” (al-Bukhari)<sup>97</sup>*

A person’s piety or righteousness is something that is known only to Allah (ﷻ). Accordingly, it is Allah (ﷻ) alone who will determine the status of a person. This profound concept of equality advocated by Islam strikes at the very root of all man-made divisions based on race, color, language, nationality or otherwise. The right to equality, therefore, is an individual’s birthright.

## The Right to Cooperate and Not to Cooperate

The Qur’an lays down a general principle of paramount importance and universal application,

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

*“And cooperate with one another on virtue and piety not on sin and enmity.” (al-Ma’idah, 5:2)*

This means that it is obligatory upon believers to cooperate with anyone, Muslim or not, in all pursuits that are good and virtuous. Similarly, it is obligatory upon believers not to cooperate with anyone regardless of faith, race, ethnicity, language or otherwise, if that person were to promote wickedness and aggression.

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<sup>97</sup> Al Bukhari, M.B.I. (2003). *Al’ Bukhari’s Sahih: The correct traditions of Al’ Bukhari*. Beirut, Lebanon: Dar Al-Kotob Al Ilmiyah (DKI)

# Farewell Sermon of the Prophet Muhammad (ﷺ)

In addition to the principles of shari'ah outlined in the previous chapters, it is important to understand in letter and spirit the message of the Prophet Muhammad's (ﷺ) farewell sermon.<sup>98</sup> He concluded his twenty-three years of arduous, unwavering efforts to propagate and establish the principles of Islam with a sermon replete with gems of wisdom that deserve constant reflection. Delivered to a large audience during his last Hajj pilgrimage, these words are the quintessential manifestation of the spirit of shari'ah.

After praising and thanking Allah (ﷻ), the Prophet (ﷺ) informs,

*“O People, lend me an attentive ear, for I know not whether after this year, I shall ever be among you again.”*

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<sup>98</sup> The sermon is a collection of exhortations Prophet Muhammad (ﷺ) delivered during the performance of the rites of pilgrimage with his companions in 632 AD.

On the basis of divine revelation, the Prophet (ﷺ) realized that his mission had been accomplished in Arabia. He recited what some scholars believe to be the last revelation or *ayah* revealed to Prophet Muhammad (ﷺ):

الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتَمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيتُ لَكُمْ الْإِسْلَامَ دِينًا

*"This day I have perfected for you your faith, completed My favor upon you, and am (well) pleased with Islam as your deen (system)."* (al-Ma'idah, 5:3)

Thus, he urged his audience to listen to him attentively as he instinctively knew his life in this world would soon come to an end, and that the global message of Islam had to be spread far and wide beyond the boundaries of the Arabian Peninsula.

Speaking on the sanctity of life and property of human beings, the Prophet (ﷺ) went on to say,

*"O People, just as you regard this month, this day, as sacred, so regard the life and property of every Muslim as a sacred trust. Remember that you will indeed meet your Lord and that He will indeed reckon your deeds. Return the goods entrusted to you to their rightful owners."*

The life and property of human beings are sacred trusts to be honored. The Qur'an describes true believers as:

وَالَّذِينَ هُمْ لِأَمَانَاتِهِمْ وَعَهْدِهِمْ رَاعُونَ

*"(The believers) are those who are faithful to their trusts and pledges."* (al-Mu'minun, 23:8)

Anas (رضي الله عنه) reported that whenever the Prophet (ﷺ) preached to his companions, he used to say,

لَا إِيمَانَ لِمَنْ لَا أَمَانَةَ لَهُ ، وَلَا دِينَ لِمَنْ لَا عَهْدَ لَهُ .

*“The person who does not keep trust has no faith and the person who does not respect his covenant (and promise) has no religion.” (Ahmad)<sup>99</sup>*

The Prophet (ﷺ) then touched upon the protection of wealth and warned against the unjust, oppressive, and exploitive economic system based on usury/interest, which ultimately widens the gap between the rich and the poor. He set an example by announcing that from that point onward, all interest obligations due to his uncle, Abbas ibn Abd al-Muttalib, had been waived. Usury was rampant in Arabia during the pre-Islamic era, and Abbas ibn Abd al-Muttalib was of those who took part in usurious transactions. The Prophet (ﷺ) categorically stated,

*“Allah has forbidden you to take usury (interest), therefore all interest obligations shall henceforth be waived. Your capital, however, is yours to keep. You will neither inflict nor suffer any inequity. Allah has judged that there shall be no interest and that all the interest due to Abbas ibn 'Abd al Muttalib shall henceforth be waived.”*

The Qur'anic *ayah* regarding prohibition of interest or usury are many. One such *ayah* states,

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ  
مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ  
الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ  
وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ

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<sup>99</sup> Hanbal, A.B. (2012). *Musnad Imam Ahmad Bin Hanbal*. Riyadh: Dar-us-Salam Publications.

*“Those who devour riba (interest and usury) will not rise up (on the Day of Resurrection) except as someone tormented by satan’s touch. That is because they say, ‘Trade and riba are the same.’ But Allah has permitted trade and forbidden riba. So whoever, after receiving admonition from his Lord, desists, may keep his past gains - His case is for Allah to Judge - but whoever goes back (to interest and usury), those are the companions of the fire abiding eternally therein.” (al-Baqarah, 2:275)*

Usury or interest is one of the most devastating practices in the world economy and is at the core of every recent global economic crisis. It is in gross violation of this divine injunction, in which it is clearly prohibited.

The Prophet (ﷺ) was well aware of the ploys and plots of satan, he warned,

*“Beware of satan for the safety of your religion. He has lost all hope that he will ever be able to lead you astray in big things, so beware of following him in small things.”*

Although Muslims do not worship idols or other deities, some Muslims fall into satan’s trap by essentially making their lustful desires their god. Allah (ﷻ) describes their condition by stating,

أَفَرَأَيْتَ مَنْ اتَّخَذَ إِلَهَهُ هَوَاهُ

*“Have you seen the one who takes his desires as his god?” (al-Jathiyah, 45:23)*

One should remember that the fight against satan must continue as he will continue to lead people astray until the Day of Judgment. The devil, satan or Lucifer as referred to in the bible who fell from the Grace of God declared war against mankind when he told Allah (ﷻ),

فَمَا أَعُوذُنِي لِأَقْعُدَنَّ لَهُمْ صِرَاطَكَ الْمُسْتَقِيمَ

*“Now that You have sent me astray, I shall most certainly lie (in ambush) for them all on Your straight path.” (al-A'raf, 7:16)*

The Prophet (ﷺ) then discussed the rights of women. He ensured their rights would be protected; that they are honored and treated with kindness as partners to men. In the pre-Islamic era, women were mistreated with little to no rights. They were looked at as chattel and sex objects. Indeed, the birth of a female during pre-Islamic Arabia was considered undesirable as female babies were often buried alive. The Qur'an refers to this abhorrent, inhumane practice,

وَإِذَا الْمَوْءُودَةُ سُئِلَتْ بِأَيِّ ذَنْبٍ قُتِلَتْ

*“And when the infant girl that was buried alive is asked; for what crime she was slain.” (al-Takwir, 81:8-9)*

The Prophet (ﷺ) abolished female infanticide and allowed women to maintain their maiden name and lineage, to own property and businesses, and to enjoy the right of inheritance as per the divine law. His sermon elucidated these rights and treatment of women:

*“O People, it is true that you have certain rights with regard to your women, but they also have rights over you. Remember that you have taken them as your wives only under Allah's trust and with His permission. If they abide by your right, then to them belongs the right to be fed and clothed in kindness. Do treat your women well and be kind to them for they are your partners and committed helpers. And it is your right that they do not make friends with any one of whom you do not approve, as well as never to be unchaste.”*

On the importance of protecting one's faith; the first and foremost objective of shari'ah, the Prophet (ﷺ) went on to say,

*"O People, listen to me in earnest, worship God, say your five daily prayers, fast during the month of Ramadan, and give your wealth in Zakat. Perform Hajj if you can afford to."*

While other faiths have changed their doctrines and modes of worship to accommodate people's changing ways of life, the Muslims (as a community), however weak they may be, have held on to their faith even after fourteen centuries, and have not allowed their desire to interfere with the way ordained by Allah (ﷻ) and His Messenger (ﷺ). This indeed is the greatest blessing for Muslims.

Next, the Prophet (ﷺ) advised on the equality of human beings as a whole,

*"All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor does a non-Arab have any superiority over an Arab; also a white has no superiority over black nor does a black have any superiority over white except by piety and good action. Learn that every Muslim is a brother to every Muslim and that the Muslims constitute one brotherhood. Nothing shall be legitimate to a Muslim which belongs to a fellow Muslim unless it was given freely and willingly. Do not, therefore, do injustice to yourselves."*

Allah (ﷻ) commands,

وَأَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا

*"And hold fast all together to the rope of Allah and never be divided."* (Aal 'Imran, 3:103)

The same message is conveyed in the Qur'an,

إِنَّ هَذِهِ أُمَّتُكُمْ أُمَّةً وَاحِدَةً وَأَنَا رَبُّكُمْ فَاعْبُدُونِ

*“Verily, this community of yours is one single community, and I am your Lord; so worship (and obey) Me (alone).” (al-Anbiya’, 21:92)*

The Prophet (ﷺ) then reminded the congregation about the accountability of one’s deeds on the Day of Judgment,

*“Remember, one day you will appear before God and answer your deeds. So beware, do not stray from the path of righteousness after I am gone.”*

The Prophetic message reminds us not to get lost in the life of this world and to stay on course, being mindful of the reality that our true destination is the hereafter, and that we will be held responsible and accountable for whatever we do in this world.

يَا أَيُّهَا الَّذِينَ آمَنُوا عَلَيْكُمْ أَنْفُسَكُمْ لَا يَضُرُّكُمْ مَنْ ضَلَّ إِذَا اهْتَدَيْتُمْ  
إِلَى اللَّهِ مَرْجِعُكُمْ جَمِيعًا فَيُنَبِّئُكُمْ بِمَا كُنْتُمْ تَعْمَلُونَ

*“O you who believe, you are only responsible for yourselves. The misguided cannot harm you as long as you follow the guidance. All of you will return to Allah and He will inform you of what you used to do.” (al-Ma’idah, 5:105)*

The Prophet (ﷺ) concluded his sermon by saying,

*“O People, no prophet or apostle will come after me and no new faith will be born. Reason well, therefore, O People, and understand words which I convey to you. I leave behind me two things, the Qur’an and my example, the Sunnah, and if you follow these you will never go astray. All those who listen to me shall pass on my words to others and those to others again; and may the last ones understand my words better than*

*those who listen to me directly. Be my witness, O God, that I have conveyed your message to your people."*

Everything we learn from the farewell sermon and his prophetic ministry as a whole revolve around God's unity articulated in the profession of faith: *La ilaha illa Allah* (there is no god but Allah).

# The Farewell Sermon

## خطبة الوداع

### Khutbatul-Wadā'

عَنْ عَبْدِ اللَّهِ بْنِ أَبِي نَجِيحٍ ، قَالَ : ثُمَّ مَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى حَجَّهِ ، فَأَرَى النَّاسَ مَنَاسِكُهُمْ وَأَعْلَمَهُمْ سُنَنَ حَجِّهِمْ ، وَخَطَبَ النَّاسَ حُطْبَتَهُ الَّتِي بَيَّنَّ لِلنَّاسِ فِيهَا مَا بَيَّنَّ ، فَحَمِدَ اللَّهَ وَأَتَى عَلَيْهِ ، ثُمَّ قَالَ : " أَيُّهَا النَّاسُ اسْمِعُوا قَوْلِي فَإِنِّي لَا أَدْرِي لَعَلِّي لَا أَلْقَاكُمْ بَعْدَ عَامِي هَذَا بِهَذَا الْمَوْقِفِ أَبَدًا ، أَيُّهَا النَّاسُ ، إِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ إِلَى أَنْ تَلْقَوْا رَبَّكُمْ ، كَحُرْمَةِ يَوْمِكُمْ هَذَا ، وَحُرْمَةِ شَهْرِكُمْ هَذَا ، وَسَتَلْقَوْنَ رَبَّكُمْ فَيَسْأَلُكُمْ عَنْ أَعْمَالِكُمْ وَقَدْ بَلَّغْتُ . فَمَنْ كَانَتْ عِنْدَهُ أَمَانَةٌ ؛ فَلْيُؤَدِّهَا إِلَى مَنْ ائْتَمَنَهُ عَلَيْهَا ، وَإِنْ كُلُّ رِبَا مَوْضُوعٌ وَلَكُمْ رُءُوسُ أَمْوَالِكُمْ لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ ، فَضَى اللَّهُ أَنَّهُ لَا رِبَا وَإِنَّ رَبَّ الْعَبَّاسِ بْنِ عَبْدِ الْمُطَّلِبِ مَوْضُوعٌ كُلُّهُ ، وَإِنْ كُلُّ دَمٍ كَانَ فِي الْجَاهِلِيَّةِ مَوْضُوعٌ ، وَإِنْ أَوَّلَ دَمٍ أَضَعُ دَمُ ابْنِ رَبِيعَةَ بْنِ الْحَارِثِ بْنِ عَبْدِ الْمُطَّلِبِ ، وَكَانَ مُسْتَرْضَعًا فِي بَنِي لَيْثٍ فَفَقَتَلْتَهُ بَنُو هُدَيْلٍ ، فَهُوَ أَوَّلُ مَا أَبَدَأُ بِهِ مِنْ دِمَاءِ الْجَاهِلِيَّةِ . أَيُّهَا النَّاسُ ، إِنَّ الشَّيْطَانَ قَدْ يَيْسَ مِنْ أَنْ يُعْبَدَ بِأَرْضِكُمْ هَذِهِ أَبَدًا ، وَلَكِنَّهُ رَضِيَ أَنْ يُطَاعَ فِيمَا سِوَى ذَلِكَ مِمَّا تُحَقِّقُونَ مِنْ أَعْمَالِكُمْ ، فَاحْذَرُوهُ عَلَى دِينِكُمْ ، أَيُّهَا النَّاسُ إِنَّمَا النَّسِيءُ زِيَادَةٌ فِي الْكُفْرِ يُضِلُّ بِهِ الَّذِينَ كَفَرُوا يُجْلُونَهُ عَامًا وَيُحْرِمُونَهُ عَامًا لِيُؤَاطُوا عِدَّةَ مَا حَرَّمَ اللَّهُ فَيُحِلُّوا مَا حَرَّمَ اللَّهُ (سورة التوبة آية 37) وَيُحْرِمُوا مَا أَحَلَّ اللَّهُ ، وَإِنَّ الزَّمَانَ قَدْ اسْتَدَارَ كَهَيْئَتِهِ يَوْمَ خَلَقَ اللَّهُ السَّمَوَاتِ وَالْأَرْضَ وَإِنَّ عِدَّةَ الشُّهُورِ عِنْدَ اللَّهِ اثْنَا عَشَرَ شَهْرًا فِي كِتَابِ اللَّهِ يَوْمَ خَلَقَ السَّمَوَاتِ وَالْأَرْضَ مِنْهَا أَرْبَعَةٌ حُرْمٌ (سورة التوبة آية 36) ثَلَاثَةٌ مُمْتَلِيَةٌ وَرَجَبٌ مُضَرٌّ الَّذِي بَيْنَ جُمَادَى وَشَعْبَانَ . أَمَّا بَعْدُ ، أَيُّهَا النَّاسُ فَإِنَّ لَكُمْ عَلَى نِسَائِكُمْ حَقًّا ، وَهَنَّ عَلَيْكُمْ حَقًّا ؛ لَكُمْ عَلَيْهِنَّ أَلَا يُؤْطَيْنَ فُرُشَكُمْ أَحَدًا تَكْرَهُونَهُ ، وَعَلَيْهِنَّ أَلَا يَأْتِينَ بِفَاحِشَةٍ مُبَيَّنَةٍ ، فَإِنْ فَعَلْنَ ؛ فَإِنَّ اللَّهَ أَدِنَ لَكُمْ أَنْ تَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَتَضْرِبُوهُنَّ ضَرْبًا غَيْرَ مُبْرَحٍ ، فَإِنْ انْتَهَيْتِ ؛ فَلَهُنَّ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ ، وَاسْتَوْصُوا بِالنِّسَاءِ خَيْرًا ؛ فَإِنَّهُنَّ عِنْدَكُمْ عَوَانٍ لَا يَمْلِكْنَ لَأَنْفُسِهِنَّ شَيْئًا ،

وَإِنَّكُمْ إِيمًا أَحَدْتُمُوهُمْ بِأَمَانَةِ اللَّهِ وَاسْتَحَلَلْتُمْ فُرُوجَهُنَّ بِكَلِمَةِ اللَّهِ ، فَأَعْقِلُوا أَيُّهَا النَّاسُ  
وَاسْمَعُوا قَوْلِي ؛ فَإِنِّي قَدْ بَلَّغْتُ ، وَتَرَكْتُ فِيكُمْ مَا إِنِ اعْتَصَمْتُمْ بِهِ فَلَنْ تَضِلُّوا أَبَدًا كِتَابَ  
اللَّهِ وَسُنَّةَ نَبِيِّهِ . أَيُّهَا النَّاسُ اسْمَعُوا قَوْلِي ، فَإِنِّي قَدْ بَلَّغْتُ وَأَعْقِلُوهُ ؛ تَعْلَمَنَّ أَنَّ كُلَّ مُسْلِمٍ  
أَخُو الْمُسْلِمِ ، وَأَنَّ الْمُسْلِمِينَ إِخْوَةٌ ، فَلَا يَحِلُّ لِأَمْرٍ مِنْ أَخِيهِ إِلَّا مَا أَعْطَاهُ عَنْ طَيْبِ  
نَفْسٍ ، فَلَا تَظْلِمُوا أَنْفُسَكُمْ اللَّهُمَّ هَلْ بَلَّغْتُ ؟ " ، قَالَ : فَذَكِّرْ أَهْلَهُمْ قَالُوا : اللَّهُمَّ نَعَمْ  
. فَقَالَ رَسُولُ اللَّهِ " : اللَّهُمَّ اشْهَدْ<sup>100</sup> "

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<sup>100</sup> Tarikh al-Tabari

## Conclusion

The higher objectives of shari'ah sanctify the preservation of faith, life, lineage, wealth, and intellect; objectives that bear striking resemblance to John Locke's (1632-1704) ideals that would be expounded centuries later. For Locke, all people were equal and independent, and everyone had a natural right to defend his, "Life, Health, Liberty, or Possessions,"<sup>101</sup> which is the basis for the phrase in the American Declaration of Independence; "*Life, liberty, and the pursuit of happiness.*"

The overarching principle of all policy making including political, legal, economic, social and environmental doctrines that emerge from these objectives is public interest, which aims to promote and preserve those things beneficial to society and prevent those that are harmful to it.

Shari'ah includes ethical and spiritual teachings that need not necessarily be of legal nature, although both the legal and moral teachings of Islam are an integral whole. Shari'ah teaches Muslims to respect parents, to be kind to their neighbors, to honor their trusts and pledges, and to always be truthful. Muslims live shari'ah everyday as they pray, fast, eat, give charity, raise families, and serve communities. Shari'ah is akin to Halakha or Halacha ("the path" or "the way to walk"), practiced by Jews in America. Jews in America even operate Jewish courts in the United States, called Beth din. Additionally, the Canon Law used by the Catholic Church contains both legal outlines of responsibilities and codes of punishing behavior. Similarly, Muslim Americans live by the guiding principles of the divinely ordained shari'ah.

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<sup>101</sup> Locke, John (1690). Second Treatise of Government. Project Gutenberg. <http://www.gutenberg.org/files/7370/7370-h/7370-h.htm>.

Shari'ah sets people free from the bondage of tyrants and their coteries who have special interests in this world for themselves. It guarantees and protects the fundamental human rights and freedom of people that are sanctioned by Allah (ﷻ).

Shari'ah abhors extremism and excessiveness, and promotes the moderate, middle path. True Muslims are moderate in all their endeavors – religious and secular. Allah (ﷻ) describes them in the Qur'an as, "the Middle Nation." Shari'ah aims at facilitating life and removing hardships. It approves of good and forbids evil. It beautifies life and provides comfort. Ultimately, it strives for justice, fairness, mercy, and peace. It comes from a kind and compassionate God.

Shari'ah is the path to a successful life.



## Appendix

### Executive Summary

1. It is forbidden in Islam to issue fatwas without all the necessary learning requirements. Even then fatwas must follow Islamic legal theory as defined in the Classical texts. It is also forbidden to cite a portion of a verse from the Qur'an – or part of a verse – to derive a ruling without looking at everything that the Qur'an and Hadith teach related to that matter. In other words, there are strict subjective and objective prerequisites for fatwas, and one cannot 'cherry-pick' Qur'anic ayat for legal arguments without considering the entire Qur'an and Hadith .
2. It is forbidden in Islam to issue legal rulings about anything without mastery of the Arabic language.
3. It is forbidden in Islam to oversimplify Shari'ah matters and ignore established Islamic sciences.
4. It is permissible in Islam [for scholars] to differ on any matter, except those fundamentals of religion that all Muslims must know.
5. It is forbidden in Islam to ignore the reality of contemporary times when deriving legal rulings.
6. It is forbidden in Islam to kill the innocent.
7. It is forbidden in Islam to kill emissaries, ambassadors, and diplomats; hence it is forbidden to kill journalists and aid workers.
8. Jihad in Islam is defensive war. It is not permissible without the right cause, the right purpose and without the right rules of conduct.
9. It is forbidden in Islam to declare people non-Muslim unless he (or she) openly declares disbelief.
10. It is forbidden in Islam to harm or mistreat – in any way – Christians or any 'People of the Scripture'.
11. It is obligatory to consider Yazidis as People of the Scripture.
12. The re-introduction of slavery is forbidden in Islam. It was abolished by universal consensus.
13. It is forbidden in Islam to force people to convert.
14. It is forbidden in Islam to deny women their rights.
15. It is forbidden in Islam to deny children their rights.
16. It is forbidden in Islam to enact legal punishments (hudud) without following the correct procedures that ensure justice and mercy.
17. It is forbidden in Islam to torture people.
18. It is forbidden in Islam to disfigure the dead.
19. It is forbidden in Islam to attribute evil acts to God ﷻ.
20. It is forbidden in Islam to destroy the graves and shrines of Prophets and Companions.
21. Armed insurrection is forbidden in Islam for any reason other than clear disbelief by the ruler and not allowing people to pray.

22. It is forbidden in Islam to declare a caliphate without consensus from all Muslims.
23. Loyalty to one's nation is permissible in Islam.
24. After the death of the Prophet ﷺ, Islam does not require anyone to emigrate anywhere.

## Conclusion

In conclusion, God has described Himself as the 'Most Merciful of the merciful'. He created man from His mercy. God ﷻ says in the Qur'an: 'The Compassionate One has taught the Qur'an. He created man' (*Al-Rahman*, 55: 1-3). And God ﷻ created man for His mercy: 'Had your Lord willed, He would have made mankind one community, but they continue to differ, except those on whom your Lord has mercy; and that is why He created them ...' (*Hud*, 11: 118-119). Linguistically, 'that' refers back to the closest noun, which is 'mercy', not 'differ'. This is the opinion of Ibn Abbas, who said: 'He created them for mercy.'

The soundest way to attain this mercy is the worship of God ﷻ. God says: 'And I did not create the jinn and mankind except that they may worship Me.' (*Al-Dhariyat*, 51: 56). Worshipping God is not a favour that one bestows upon God ﷻ, but rather, sustenance from Him: 'I do not desire from them any provision, nor do I desire that they should feed Me. Indeed it is God Who is the Provider, the Lord of Strength, the Firm.' (*Al-Dhariyat*, 51: 57-58). Furthermore, God ﷻ revealed the Qur'an as a mercy from Him: 'And We reveal of the Qur'an that which is a cure, and a mercy for believers ...' (*Al-Isra'*, 17:82). Islam is mercy and its attributes are merciful. The Prophet ﷺ, who was sent as a mercy for all the worlds, summarized a Muslim's dealings with others by saying: 'He who shows no mercy, will not be shown mercy'; and: 'Have mercy and you will be shown mercy.' But, as can be seen from everything mentioned, you have misinterpreted Islam into a religion of harshness, brutality, torture and murder. As elucidated, this is a great wrong and an offence to Islam, to Muslims and to the entire world.

Reconsider all your actions; desist from them; repent from them; cease harming others and return to the religion of mercy. God ﷻ says in the Qur'an: 'Say [that God declares]: "O My servants who have been prodigal against their own souls, do not despair of God's mercy. Truly God forgives all sins. Truly He is the Forgiving, the Merciful. "' (*Al-Zumar*, 39:53).

And God knows best.

24th Dhul-Qi'da 1435 AH / 19th September 2014 CE

For the entire document visit, <http://www.lettertobaghdadi.com>



## About the Author

Mustapha Elturk immigrated to the United States in 1976 amid the start of the civil war in Lebanon to continue his higher education. He holds a Bachelor of Arts degree in Mathematics from Lawrence Institute of Technology, and a Masters of Liberal Arts in Social Justice from Marygrove College in Detroit, Michigan.

Elturk is a student of the late Islamic thinker, scholar, and one of the most revered contemporary teachers of the Qur'an in southeast Asia, Dr. Israr Ahmad (d. 2010). Under his guidance he gained knowledge in Fundamentals of Faith (emphasis on *Iman* (creed), *Tawheed* (oneness of God), Sciences and Exegesis of the Qur'an, and *Sirah*, the Prophet Muhammad's biography). Elturk's passion for learning and teaching the Qur'an dates back to 1993 when he encountered Dr. Israr Ahmad during an American lecture tour which inspired him to delve into the meaning and wisdom of the Qur'an.

He joined the Islamic Organization of North America (IONA) in 1995 and became active in propagating the message of the Qur'an to Muslims and those of other faiths through Friday sermons and lectures in Mosques and other facilities across America and abroad. He served as IONA's Education and Training Director from 1998 to 2003. Thereafter he was appointed Ameer (Imam and President) of IONA headquartered in Warren, Michigan. He left his thriving career as an electronics engineering consultant in 2007 to lead the IONA Masjid and Learning Center established in the same year in Warren, Michigan.

As a publicly engaged leader and a leading interfaith activist in the Detroit metropolitan area, Elturk served on the Executive

Board of directors as Treasurer of the InterFaith Leadership Council of Metropolitan Detroit (IFLC). He served as President and member of the Board of Directors of the Interfaith Center for Racial Justice (ICRJ). ICRJ, a non-profit organization in Macomb County in Michigan, promotes the ideals and universal values of freedom, equality and justice of the late Reverend Dr. Martin Luther King Jr.

He also served on the Executive Board of the Michigan Muslim Community Council (MMCC) and co-founded the Muslim Chaplaincy Program at the Ecumenical Theological Seminary (ETS) in Detroit, Michigan, where he taught theology, modes of worship, and Qur'anic studies.

Currently, Elturk serves on the advisory board of the Michigan Coalition of Human Rights (MCHR) and is a co-founding member of the American Human Rights Council (AHRC).

He resides with his family in Troy, Michigan and may be reached via e-mail at [ameer@ionaonline.org](mailto:ameer@ionaonline.org).

## Further Readings

The Qur'an (Oxford World's Classics), June 15, 2008, by M. A. S. Abdel Haleem (Translator)

Shari'ah: Theory, Practice, Transformations 1st Edition by Wael B. Hallaq (Author)

An Introduction to Islamic Law 1st Edition by Wael B. Hallaq (Author)

Shari`a Law and Modern Muslim Ethics by Robert W. Hefner (Author)

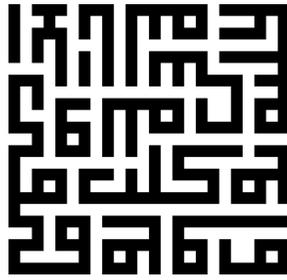
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Muhammad: A Prophet for Our Time, August 28, 2007, by Karen Keishin Armstrong (Author)

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*But the achievement of my aim depends on God alone.  
In Him have I placed my trust, and unto Him do  
I always turn! (Qur'an, 11:88)*

———— Notes ————



