

HOW SHARIA-ISM HIJACKED ISLAM

The Problem, Prognosis, and Prescription

HASAN MAHMUD

Copyright © 2017 Hasan Mahmud
All rights reserved.
ISBN: 9781522023845

TABLE OF CONTENTS

ACKNOWLEDGMENTS 4

INTRODUCTION 6

THE BLUEPRINT OF AMERICAN SHARIA COURTS 5

WHAT IS RADICAL ISLAM?..... 14

WHAT IS ISLAM? 24

TRIPLE TALAQ IS HARAM AND ANTI-ISLAMIC 38

KILLING APOSTATES 44

THE SHARIA-IMPOSED MATH OF PUNISHING RAPE VICTIMS 53

WOMEN DO HAVE EQUAL RIGHT TO DIVORCE IN ISLAM 58

FEMALE GENITAL MUTILATION: CULTURAL OR ISLAMIC? 64

WOMEN IN LEADERSHIP – PROHIBITED IN ISLAM? 72

WHY UNRESTRICTED POLYGAMY IS ANTI-ISLAMIC 76

WIFE BEATING: A LITMUS TEST OF CIVILIZATIONS 83

DOES ISLAM CONDONE OR ELIMINATE SLAVERY? 89

PUNISHING KILLERS – PUBLIC BEHEADING? 94

EXAMPLES OF SHARIA LAW 99

DID SHARIA LAW ESTABLISH JUSTICE IN THE PAST? 108

THE DEFINITION AND SOURCES OF SHARIA LAW 117

CONTRADICTIONS WITHIN SHARIA LAWS ON THE SAME ISSUES 126

THE HORROR OF “AMIRUL MU’MENEENS” 130

THE INVISIBLE “GLOBAL ISLAMIC SUPERSTATE” 138

“IT’S IN THE QURAN!” 148

DECEPTION AND DEATH OF THE CANADIAN SHARIA COURT 152

The 42 Fundamental Roots of Sharia’s Oppressive Approach to Women 162

Epilogue..... 167

About the Council for Muslims Facing Tomorrow (MFT)..... 171

ACKNOWLEDGMENTS

My heartfelt thanks to Jennifer Breedon without whom this book would not see the light of this day. She invested enormous time and effort to edit the final version of the book and made it presentable and reader friendly. Hearty thanks to Dr. Ranga Ranganathan for doing the enormous task of primarily editing the book. Dr. Raihan Jamil has been a part and parcel of our movement against radical Islam since the beginning. He also designed the cover of this book.

I would like to acknowledge Abdul Mohit and Muhammed Zafarullah for giving their valuable time in doing partial translation of the book. Till this day I remember Mr. Roy Brown with appreciation for introducing me to the international arena of Human Rights, for inviting me to numerous international conferences to speak on Sharia Law and its link with radical Islam. I wish to express my gratitude to Samina Amin for her time and effort in editing and publishing this book. She has been constantly reminding me why this book needs be a priority over all other activities of my demanding life. I am also grateful to the two organizations I closely work with, Muslims Facing Tomorrow (MFT) and World Muslim Congress for their active support in this crucial movement. Last but not the least, thanks to the valiant activists who amid threats and all odds are successfully carrying out the “Radical Free Village” movement in Bangladesh on behalf of MFT.

Finally, I am eternally indebted to my parents, especially my mother who strongly believed in me and has been the supreme inspiration in every step of my life.

DEDICATION

In 2011, 15-year-old rape victim, Hena Akhtar, was beaten to death by the verdict of an informal Sharia Court in Bangladesh. This book is dedicated to Hena and thousands of other rape victims punished by Sharia Law.



INTRODUCTION

Human civilization will face catastrophe if we fail to protect our future generations from radical Islam. As the institution of Sharia law is its backbone, defeating the theology of Sharia-ism is of paramount importance. It is more than law; its spirit is to control the world. The defeat of the Canadian Sharia court, detailed in a chapter of this book, proves that in this struggle, secular Muslims should be in the forefront. Muslims' resistance to radical Islam is increasing.

International Business Times UK reported that Muslims Facing Tomorrow (MFT) is successfully conducting a mass movement of creating “Radical Free Villages” in Bangladesh¹, a country where 90% of the population is Muslim.²

This book is not a quest to find “Real Islam.” Rather, it exposes the theological mechanism of Sharia-ism—a political movement in the name of divinity. Many Muslim scholars have identified its illegitimacy from the standpoints of justice, reason, human rights, facts, and Islamic scriptures, proposing a theological counter-mechanism from the same Islamic sources. This book compiles some of their work.

While it is true that not all Sharia supporters are terrorists, almost all Muslim terrorists are Sharia supporters and cite Sharia justification for their violent acts.³

¹Ludovica Iaccino, Boko Haram, ISIS and Islam: Radical Free Village Movement Busts Myth that 'Sharia Law is Allah's Law' (2 July 2014), International Business Times, <http://www.ibtimes.co.uk/boko-haram-isis-islam-radical-free-village-movement-breaks-myth-that-sharia-law-allahs-law-1453863/>.

²The World Factbook, CENTRAL INTELLIGENCE AGENCY, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>, last accessed 14 April 2017.

³See e.g. S. Bar, The Religious Sources of Terrorism, HOOVER INSTITUTION (1 June 2004), available at <http://www.hoover.org/research/religious-sources-islamic-terrorism>.

The blueprint of creating legally protected Sharia courts in the United States (which will be discussed later in this book) was planned and proposed as early as 1993.⁴ The inspiration for the blueprint could likely be attributed to the Canadian Sharia court (active 1991 – 2005), the first in the West protected by the law of the land.⁵

No religion has a built-in system against its abuse to justify violence; Islam is no exception. Indeed, there are Quranic verses that are historically used (or abused) to justify violence. We as human beings, and especially as Muslims, have every right to deny and discard those man-made documents.

The spectacular military victory of early Muslims took place in the name of divinity and it lasted unabated for centuries conquering the Middle East, North Africa, Spain, and part of India.⁶ During this time it was natural for Muslims to connect their victory with two Quranic verses:

“God will make Islam victorious.” (Quran 61:9).

“You are the best nation.” (Quran 3:110).

Gradually, Islam was sized and shaped based on aggressive war. Before long, a new Islamic theology (often proclaimed as some “essential” part of Islam) had been tailored to enact a forced state or “Caliphate” by using unprovoked aggressive wars (violent Jihad).

The Quran was “explained” in ways that would support this new theology, and Hadiths were “collected” or likely created along with Sharia laws forged to support the same warmongering theology.

One such example is the following passage:

“[T]he caliph makes war upon Jews, Christians, and Zoroastrians - provided he has first invited them to enter Islam in faith and practice, and if they will not, then invited them to pay jizya. The caliph fights all other peoples until they become Muslim.”⁷

⁴ For reference see chapter in this book entitled “The Blueprint of American Sharia Courts.” *See also* Native American Courts (15 Feb 2007), The American Muslim, http://theamericanmuslim.org/tam.php/features/articles/native_american_courts_precedent_for_an_islamic_arbitral_system/0013143.

⁵ Sharia Law in Canada, CANADIAN LAW, <http://www.canadianlawsite.ca/sharia-law-canada.htm>, last accessed 21 April 2017.

⁶ Timeline of Islam, PBS, www.pbs.org/wgbh/pages/frontline/teach/muslims/timeline.html, last accessed 15 April 2017.

⁷ Shafi'i law Umdat Al Salik 09.8 - 9.9.

Furthermore, there are horrific “prophet’s examples” and Sharia laws that are brutally against women, non-Muslims, and Muslims of different opinions. Subsequently, patriarchy harvested heavily on Muslim women. At the same time, a spiritual and benevolent kind of Islam grew in an equally vast area, extending from India to Indonesia through the teachings of preachers, derived from the same Quran and same Prophet. In the history of this vast area we see no stoning, no killing of apostates, no amputation of the limbs of thieves, no female genital mutilation, or any other violent acts. Our battle is to replace the radical version of Islam by this spiritual and secular Islam.

It is important to note that leaders of important Muslim countries such as Jinnah of Pakistan, Dr. Musaddeq of Iran, Sukarno of Indonesia, Nasser of Egypt and Kamal of Turkey were strongly secular.⁸ However, instead of educating people about the danger of radical Islam, they depended on the constitution or their militaries to defend secularism. Thus, people could not become vanguards of secularism. Today, all these countries are under the grip of “Sharia-ists.” We must reverse this dangerous trend. This book provides the justification, teachings, and imminent necessity to do so.

This book will cover many of the Sharia-imposed laws involving, but not limited to, the following concepts:

- Triple talaq and divorcing of women
- Killing apostates
- Freedom of religion and expression
- Female Genital Mutilation
- Child marriages
- Women are not allowed in leadership
- Unrestricted Polygamy allowance (more than 1 wife)
- Domestic Violence – abuse of women (wife)
- Public beheadings
- Extrajudicial killings
- Violent jihad

⁸ This is historical fact. Search on their first constitution reveals that none of these countries used Sharia law as the source of the law of the land. Today the picture is different – the countries are under strong formal (constitutional) or informal (socio-cultural) influence of radical Islam. See e.g. Magdi Abdelhadi, Egypt: from Nasser's ideological hotchpotch to an Islamist landslide, THE GUARDIAN (2 Jan 2012), <https://www.theguardian.com/commentisfree/2012/jan/02/egypt-nasser-islamist>.

THE BLUEPRINT OF AMERICAN SHARIA COURTS

That was a spectacular move indeed. The blueprint of creating legally protected Sharia court in the US was planned in as early as 1993, probably inspired by the Canadian Sharia court, the very first in the West protected by the law of the land.¹

In 1991, the Canadian province of Ontario had a backlogged court system that led law-makers to update its Arbitration Act to allow “faith-based arbitration.”² This law protected “religious courts” and allowed them to mediate family and business issues as long as they complied with Canadian law. It was voluntary by law and both parties (a husband and wife, for example) had to agree to go through the process. Once they did, however, the decisions rendered by the tribunal were binding, although the verdict could be challenged in Canadian court. Following this, Darul Qada (house of justice) was created.³ The group’s brochure claimed that a Muslim will not remain Muslim anymore if she or he goes to a Canadian court instead of going to the Sharia court.

That was sheer blackmailing.

The media, however, failed to publicize the saga.

After functioning for 14 years, the Darul Qada sent an application to the government for Arbitration status in 2003. If granted, its verdicts could no longer be challenged in Canadian court. That would be a parallel justice system, franchised. It immediately became a global media headline.⁴

¹ Sharia Law in Canada, CANADIAN LAW, <http://www.canadianlawsite.ca/sharia-law-canada.htm>, last accessed 21 April 2017.

² Ibid.

³ Darul Qada the Toronto sharia court, the very first of its kind in the Western world, was abolished by a new law in 2005. Not sure if they had any website before that but now there is not any. But lots of references are available in the Internet. Their booklet stresses that if a Canadian Muslim does not prefer them over the Canadian court, he or she “cannot claim to be a Muslim”. That is blackmailing.

⁴ JULIE MACFARLANE, ISLAMIC DIVORCE IN NORTH AMERICA: A SHARI'A PATH IN A SECULAR SOCIETY 14 (OXFORD UNIVERSITY PRESS, 2012).

Immediately, the Muslim Canadian Congress (MCC)⁵, CCMW (Canadian Council of Muslim Women)⁶ and the International Campaign Against Shari's Court in Canada started a critical movement against the Sharia court. As the director of Sharia law of MCC, I had the opportunity to be on the frontlines. As Muslims, we knew intimately how some Sharia laws violate human rights, particularly women's rights and the Quran. After a long, exhausting struggle against our resourceful opponents, we won. Human rights won.

On 11 September 2005, the Ontario government declared that the 1991 law allowing faith-based courts would be repealed and such religious courts would be officially banned. Thus, the first Sharia court in the West went into history. The Sharia Bolsheviks were furious but undone. In May 2005, the Quebec National Assembly unanimously supported a motion to block the use of Sharia law in Quebec courts.”⁷

That was Canada in 2005. As of 2015, the United Kingdom had at least 85 functioning Sharia courts protected by law.⁸ Only God knows how many Muslim women have been destroyed and denigrated because of these courts and rulings.

Do we really believe justice should be franchised?

US SHARIA COURT

Recently the Sharia battle in the United States heated up. Many lawmakers proposed bills to stop the application of Sharia law in US courts. Powerful Sharia-brokers as well their most faithful non-Islamic “allies” are working hard to enact their Sharia ideals in free societies. Both sides have won in some instances, but only the future will tell how the United States will shape in this regard.⁹

⁵ The Muslim Canadian Congress, <http://muslimcanadiancongress.org>, last accessed 23 April 2017.

⁶ Canadian Council of Muslim Women, <http://ccmw.com>, last accessed 21 April 2017.

⁷ Islam in America, A CENTER OF CHRISTIAN-MUSLIM ENGAGEMENT FOR PEACE AND JUSTICE: NEWS AND VIEWS, <https://lstccme.wordpress.com/islam-in-america>, last accessed 21 April 2017. See also Sheila Musaji, Islamic Sharia and Jewish Halakha Arbitration Courts (6 May 2012), THE AMERICAN MUSLIM, http://theamericanmuslim.org/tam.php/features/articles/islamic_sharia_and_jewish_halakha_arbitration_courts/.

⁸ The astonishing spread of the Islamic justice behind closed doors, DAILYMAIL UK, www.dailymail.co.uk/news/article-1196165/Britain-85-sharia-courts-The-astonishing-spread-Islamic-justice-closed-doors.html, last accessed 15 April 2017.

⁹ Sheila Musaji, Islamic Sharia and Jewish Halakha Arbitration Court, <https://lstccme.wordpress.com/islam-in-america>.

The American Muslim news source has “been slowly working to put online all of the articles from the print issues of The American Muslim published between 1989 and 1995.”¹⁰ An article originally printed in 1993 was recently published online to provide precedent for Islamic court systems to be constructed in the United States. The article, “The American Muslim” by Issa Smith will be provided here.

“Native American Courts: Precedent for an Islamic arbitral system.

Issa Smith

In the United States today, there is a system of courts which is just outside of the federal and state court systems, known as the American Indian Tribal Courts. The Tribal Courts deal with criminal, civil and family court issues, and have their own lawyers, judges, and court officials. The Muslim Community can learn from the experience of the American Indian Tribal Court System as we attempt to implement Muslim Family Law in North America.



¹⁰ The astonishing spread of the Islamic justice behind closed doors, DAILYMAIL UK, www.dailymail.co.uk/news/article-1196165/Britain-85-sharia-courts-The-astonishing-spread-Islamic-justice-closed-doors.html.

I will use the terms “Indian” or “American Indian” to describe the descendants of the people indigenous to North America, who are also sometimes referred to as “Native Americans.” The complex and confusing legal relationships between the United States and the American Indians begins with the U.S. Constitution which in Article 1, section 8 states: “The Congress shall have the power...to regulate Commerce with foreign nations, and among the several states, and with the Indian tribes.” Since the constitution was accepted and implemented in 1789, Indian tribes have been treated as “quasi-sovereign governments”, dependent on the United States for support and protection.

The treatment of American Indians during the last 200 years has been tragic and shameful. In 1789, it was estimated that 10 million Indians lived in the area now part of the United States. Today there are less than 2 million, half of whom live in urban areas and a third of whom live on reservations. There are currently about 300 Indian tribes that are recognized by the federal government, and dozens more that have state recognition. In addition, there are more than 200 recognized “native villages” in Alaska. Every year, there is legislation in Congress, which recognizes new tribes or takes away recognition of existing tribes.

Only about half of these tribes have tribal courts, and most of these were created during the past twenty years. Each court is independent of the others. The Bureau of Indian Affairs, which is part of the Department of Interior, has regulatory control over Indian Tribal Courts.

Jurisdiction

The question of jurisdiction has been a major and continuous problem for Indian Tribal Courts, and the source of conflict between state courts and tribal courts. Basically, tribal courts have jurisdiction over tribal members, or non-Indians. Jurisdiction generally does not extend beyond the border of the reservation. In a landmark decision in 1990, the U.S. Supreme Court held that an Indian tribe may not assert criminal jurisdiction over an Indian who is not one of its members. The case, known as Duro vs. Reina, involved the killing of an Indian youth on the Salt River Pima-Maricopa Reservation in Arizona. The accused, Albert Duro, was an enrolled member of another tribe. The tribe prosecuted Duro for the misdemeanor crime of illegally firing a weapon, since federal law dictates that major crimes such as murder must be tried in state or federal courts. Duro was convicted, but appealed and sought dismissal of the case on the basis of his not being a tribal member. The Supreme Court justices, in a 7-2 decision, agreed. They reasoned that non-members or non-Indians should not be subject to an alien and potentially discriminatory tribunal. The decision also meant that non-member Indians are to be considered as non-Indians in tribal courts.

Family Courts

Since our concern is primarily with family law, let us examine some issues of family law in tribal courts. The same matters considered to be part of Muslim family law (marriage, divorce, support, custody, adoption, legitimacy, abuse etc.) are covered in tribal courts.

A major concern of Indian tribes used to be the large number of Indian youths from broken homes who were adopted into non-Indian families. Often a state court would assume jurisdiction and rule that the reservation environment was not in the best interest of the child. The Indian tribes strongly opposed this idea. Although they agreed that the environment of the reservation was harsh and poverty-stricken, they wanted the children to be raised by their extended families, as was the custom in Indian culture.

In 1978, the U.S. Congress passed the Indian Child Welfare Act, which radically changed the relationship between state courts and tribal courts. One result was that tribal courts had greater jurisdiction in the placement of adopted Indian children. Many tribal courts were created just to take advantage of the greater powers given then by the Indian Child Welfare Act.

Marriage is one of the most common issues faced by tribal courts. A marriage conducted by a tribal court is valid anywhere in the U.S. An Indian couple wishing to divorce, and who live off the reservation, have the option of going to the state courts in the same manner as non-Indians, or returning to the reservation for a divorce. The second option is usually much quicker and cheaper.

Which support institutions and organizations have arise [sic] to work with Indian tribal courts? As mentioned, tribal courts have their own lawyers, judges and court officials. The requirements for filling these posts are determined by the tribe. This means, for example, that to be a lawyer or judge in the tribal court you do not necessarily have to have a law degree, or even a college diploma. I have spoken to a chief judge of a tribal court who had only finished high school. She has been in her post for eight years and is highly respected by tribal members.

As a matter of fact, a degree from the average law school is of little use to someone wishing to practice law in a tribal court. Only two or three law schools offer courses in American Indian law. Many reservations have saved up and sent their most talented youth away to law school, only to find upon graduation that the new layers had to be completely re-oriented to tribal law. The situation is somewhat analogous to a Muslim law school graduate trying to practice Islamic family law. To assist those interested in working in tribal courts, the National Indian Justice Center was created in 1983. The center is an Indian-owned and operated non-profit organization based in California, and conducts training sessions around the country. It has also developed an Associate in Arts degree in Indian Justice at the New College of California in San Francisco. The center evaluates tribal courts and has developed a voluntary certification program for court officials. It also publishes a newsletter and monographs.

The American Indian Law Center in Albuquerque, NM, provides similar services, with an emphasis on legal research. The Institute for the Development of Indian Law is based at Oklahoma City University's law school. It provides courses in Indian Law as part of a law degree. There are numerous professional organizations for those in the field of Indian Law. The National American Indian Court Judges Association has several regional affiliates. The American Indian Bar Association represents many of the over 700 Indian lawyers. The American Indian Law Students Association has chapters on many of the larger law schools such as Harvard. The Native American Rights Fund is a civil rights organization based in Colorado which deal with Indian issues and has a board of directors composed of Indians from across the country, including native Hawaiians.

The American Indian Law Review is an academic journal devoted to the study of tribal courts. There are many non-Indian groups interested in tribal courts as well. Interfaith Impact, a Washington based coalition of more than 30 religious advocacy groups including the American Muslim Council, has a task force on Native American civil rights which monitors tribal court legislation. National organizations such as the American Bar Association and the National Child Support Enforcement Association have hosted educational conferences on tribal court issues.

Numerous local and regional social service organizations have been created to address problems of American Indians and work with tribal courts. In short, a vast network of support organizations has been developed which strengthens the tribal court apparatus.

Although the Muslim community in North America is vastly different from the Indian community, I feel that in developing a plan for the implementation of Muslim family law, we can in some ways imitate the paradigm of the tribal court system and its supporting network. In particular, I recommend that as a first step, supporting organizations dealing with Islamic family law be established immediately. A professional association of Muslims in the law field (of whatever specialty) is a must. A law school students' support group should be formed, and Muslim youth should be encouraged to enter this field.

A second step would be to establish institutes in the U.S. which can supplement legal education with courses in Islamic family law. At the same time, pressure should be put on law schools to include courses in Shariah [sic] taught by Muslims. An idea suggested in several quarters and being developed by the American Muslim Council, is the moot court where students and legal experts can act out Muslim family court scenarios.

There is a serious lack of Muslim social service agencies. Muslim Family Services in Brooklyn, New York is one of the oldest and best-known—an example to be emulated elsewhere. These organizations will have to be in place when we start asking for control of our family court issues.

The process of implementing Muslim family law will not be accomplished overnight. Changes of their type take place very slowly in American society, and our community is far from being prepared for this task. I commend the continental council of Masajid for organizing this conference, and bringing together so many workers and thinkers. I pray to Allah the real decisions are made here that can be implemented by those ready to work. However, I strongly urge that consideration be given to political realities and the sensitivities of the American public. Such a radical change in American law—allowing Muslims to take control over their family law issues - must be initiated from the indigenous Muslim community here in the United States. To have it seem that this initiative is originating from overseas or from organizations financed overseas, would create a very negative impression that would likely destroy this effort.¹¹”

¹¹ Issa Smith, Native American Courts: Precedent for an Islamic arbitral system (1993, updated 15 February 2007), http://theamericanmuslim.org/tam.php/features/articles/native_american_courts_precedent_for_an_islamic_arbitral_system/0013143. See also The pursuit of justice and Jewish law, <http://theamericanmuslim.org/tam.php?URL=http%3A%2F%2Fwww.yasharbooks.com%2FJustice.html>; Beis Din of America (Jewish law court), <http://theamericanmuslim.org/tam.php?URL=http%3A%2F%2Fwww.bethdin.org%2F>; Canon Law Society of America, <http://theamericanmuslim.org/tam.php?URL=http%3A%2F%2Fwww.clsa.org%2Fcontent%2F>; Finding the Law: Islamic Sharia Law, <http://theamericanmuslim.org/tam.php?URL=http%3A%2F%2Fwww.llrx.com%2Ffeatures%2Fislamiclaw.htm>.

WHAT IS RADICAL ISLAM?

Islam was not hijacked by the birth of Muslim Brotherhood in 1928.¹ Islam was not hijacked in 1941 by Jamat-E Islami in India. Islam was not hijacked by the Taliban in the 1980's. Islam was not even hijacked in 2001 during the devastating events on 9/11. The brutal reality is all these radical organizations or groups that we Muslims reject herald the formation of Radical Islam that was created 1400 years ago.

Military heroes are not rare in history and early Muslim soldiers were also mighty victors. However, their victory was unique in two distinct ways; it took place in the name of God and it lasted for hundreds of years. Consequently, it was natural for them, without even defining Islam, to connect the Quranic verses of war with the verses of victory, such as, “(Muslims) must certainly triumph”² and Allah will make Islam “superior over all religions.”³

To them, Islam was divinely destined to gain global control through military invasions. The result was Islamic interpretations based primarily on aggressive war which necessarily lives on hate and demonizes “the others.” The list of secondary Islamic references creating muscle-dependent Islam is long. A hundred plus verses of values, compassion, and peace were overshadowed by a few war verses that sized and shaped Islam for centuries to come.

1. “As it is obvious, at first “the fighting” was forbidden, then it was permitted and after that it was made obligatory – (1) against them who start “the fighting” against you (Muslims). (2) and against all those who worship others along with Allah...as mentioned in Sura Al Baqarah (II), Al Imran (III) and Tauba (IX) and other Surah (chapter of the Qur'an).”⁴
2. “The Caliph fights all other peoples until they become Muslims.”⁵

¹ HASSAN AL-BANNA, WHAT IS OUR MESSAGE? (Islamic Publications, 1974).

² E.g. QURAN 2:193, 217, 244, 246; 3:146, 153, 154; 4:74-78, 84, 94, 95, 104; 5:94; 8:39, 65, 72, 73; 9:5, 14, 19, 29, 38, 88, 112; 47:4, 31; 48:16, 22; 61:2, 4, 11. See also QURAN 5:56.

³ QURAN chapter 9:33.

⁴ Sahih Al-Bukhari, Number 1081, translated by Dr. Muhammad Muhsin Khan, Dar-us-Salam, (1994).

⁵ UMDAT AL SALIK (Shafi'i Law# o9.9 [and 0.9.8 based on 9:29 of the Quran]), translated by Nuh Ha Mim Keller, Amana Corporation, (Revised edition, 1997). This chapter is added by the translator based on three other early Islamic texts.

This is how radical Islam was created. The primary victims of this version of Islam are women, Muslim women. It has been the norm of protagonists of any faith to quote favorable documentary precedents for their cause while ignoring counter evidences within the same documents. Theological cherry-picking as it is sometimes called has been dutifully resorted to by the proponents of Radical Islam. Military victories, however, are destined to die out. Muslim armies conquered the greater Middle East, North Africa and Spain. In 732 CE, the Spanish Caliph Abdur Rahman invaded city of Tours in France. After a furious battle, he was defeated and killed in the same year on 10 of October by the French general Charles Martel, known as “The Hammer.” This defeat was the end to the Muslims’ series of victories and they were “never able to mount a serious offensive at Western Europe again.”⁶

When the dream of global domination by war collapsed, a theological detour was undertaken. Previously, the “power of iron” in the verse, “And We sent down iron, wherein there is awesome power and many benefits for people” had been explained as “iron here is meant political and military power.”⁷ Now the same “power of iron” is explained in Sharia book as “Power of Islamic State.”⁸

Never in history has it become more imperative for the average Muslims to be aware and comprehend the roots of their misplaced beliefs. The tragedy is deepened further by the talks and writings of contemporary Sharia-Bolsheviks such as Hasan Banna, Sayed Qutb, Mawlana Mawdudi, and Ayatollah Ruhollah Khomeini:

1. “The Qur’an has delegated to Muslims the duty of bringing humanity, which has gone astray, to the right course and granted them the leadership of the world.....Therefore the duty of guiding and instructing humanity devolves on us and not on the West.”⁹
2. “Nor could it (Islamic faith) be taken as a belief that promises a paradise in the next life to those who perform its rituals, without applying in their

⁶ Nazeer Ahmed, The Battle of Tours, History of Islam, <https://historyofislam.com/the-battle-of-tours/>.

⁷ QURAN chapter 57:25.

⁸ CODIFIED ISLAMIC LAW 245, (Vol. 3. 1995).

⁹ HASSAN AL-BANNA, WHAT IS OUR MESSAGE?, Islamic Publications, (1974).

everyday life its distinctly unique institutions, jurisprudence and methodology.”¹⁰

Finally, from Mawlana Mawdudi, the founding father of modern version of radical Islam in 1941 and Ayatollah Khomeini, the founding father of Islamic theocracy in Iran in 1979, came the following statements:

3. “The Muslim Party will inevitably extend invitation to the citizens of other countries to embrace the faith.....Even otherwise also if the Muslim Party commands adequate resources it will eliminate un-Islamic governments and establish the power of Islamic governments in their stead..... Islamic “Jihad” does not recognize their (non-Muslims’) right to administer State-affairs according to a system, which in the view of Islam is evil.”¹¹
4. “Although an Islamic State may be set up anywhere on earth, Islam does not seek to restrict human rights or privileges to the boundaries of such a State.”¹²
5. “The system of this (Islamic) government is such that it does not leave much room for man to exercise his own free will.”¹³
6. “Islam, speaking from the viewpoint of political philosophy, is the very antithesis of secular Western democracy.”¹⁴
7. “Dancing, singing, etc., are “Ugly Arts.”¹⁵
8. “(Regional) Nationality based on family, birthplace, language, race, etc., is a great danger for humankind...If there is any enemy to Islam’s call after Kufr (disbelief) and Shrik (multi-deities), it is the devil of nationality based on blood and birth-place...One has to shun feeling of land and blood

¹⁰ SAYYID QUTB, ISLAM, THE RELIGION OF THE FUTURE, International Islamic Publishing House, (1992).

¹¹ MAWLANA MAWDUDI, JIHAD IN ISLAM, The Holy Quran Publishing House, (1939).

¹² MAWLANA MAWDUDI, HUMAN RIGHTS IN ISLAM, Islamic Foundation, (1976).

¹³ MAWLANA MAWDUDI, A SHORT HISTORY OF THE REVIVALIST MOVEMENT IN ISLAM, Islamic Publications, (1963).

¹⁴ MAWLANA MAWDUDI, THE ISLAMIC LAW AND CONSTITUTION, Lahore: Islamic Publications, (1977).

¹⁵ MAWLANA MAWDUDI, A SHORT HISTORY OF THE REVIVALIST MOVEMENT IN ISLAM, Islamic Publications, (1963).

(regional nationality) to remain a Muslim..... The ideas and bases on which the European Nationalism flourished are much against humanity.... Islam's ultimate goal is to create (Islamic) World-State.”¹⁶

9. “Islam makes it incumbent on all adult males, provided they are not disabled or incapacitated, to prepare themselves for the conquest of countries so that the writ of Islam is obeyed in every country in the world..... What is the good of us asking for the hand of a thief to be severed or an adulteress to be stoned to death when all we can do is recommended such punishments, having no power to implement them?” (Khomeini)¹⁷

This is radical Islam.

It legitimizes violence, deception, and even lying (Takyyia) in the name of Islam to achieve its goal.

And the declaration of the radicals is loud and clear:

- “*Truth is one of the most important principles of Islam and lying is one of the greatest sins. But in real life some needs are such that telling a lie is not only allowed, in some circumstances it is decreed mandatory.*” (Mawdudi)¹⁸
-
- “*Lying is obligatory if the goal is obligatory.*” (Shafi’i Law r.8.2)¹⁹

¹⁶ MAWLANA MAWDUDI, HISTORY OF JAMAT-E ISLAMI.

¹⁷ Ayatollah Khomeini, many sources and citations.

¹⁸ MAWLANA MAWDUDI, TARJAMANUL QURA’AN 54.

¹⁹ UMDAT AL SALIK (Shafi’i Law# r8.2), translated by Nuh Ha Mim Keller, Amana Corporation, (Revised edition, 1997).

Recently, it forcefully attacked human civilization in the shape of Al Qaeda, IS, Boko Haram and Al Shabab. Crime and wrong-doings are ubiquitous and the West is no exception. Radical Islamists capitalize on this cash on this and propose the oxymoron that the Islamic Caliphate is a divine alternative, denying the fact that the era of the Caliphate was mostly bloodstained anarchy. Radical Islamists in the West cleverly play victim-syndrome. They are adept in using the laws, multiculturalism and societal norms of their host countries to advance their objectives, even in instances when their nefarious deeds have been exposed. Mosques in London have been caught selling extremist materials and spreading violence.²⁰ Furthermore, the US Federal Bureau of Investigation found 10% of US Mosques preach aggressive Jihad.²¹ Many Imams violate local law and openly perform polygamous marriages.²² Unsurprisingly, similar violence has spread throughout Europe. It is a disconcerting fact that most of these people go scot free. The only radical punished in 2006 in London UK for five and half years is Anjem Choudary.

After championing the rampant violation of rights of women and non-Muslims in Muslim countries,²³ radical Islam has increased its pressure groups exponentially in the West, with most of them using their citizens' rights as shields. The Organization of Islamic Cooperation (OIC) has succeeded in capturing the Human Rights Council of the United Nations (UN). Now its goal is to defeat Universal Declaration of Human Rights (UDHR) by using the Cairo Declaration of Human Rights in Islam (CDIUHR) and establish its own independent human rights commission.

“In the last plenary of the Human Rights Council the Pakistani delegate claimed, ‘it is an insult to our faith to discuss the Sharia in this forum.’ The president of the Council agreed, and ruled that it would no longer be permissible to discuss in detail any particular system of law.”²⁴

²⁰ Video available at Truth Tube TV website.

²¹ 10% of US Mosques Preach Jihad According to FBI, The Right Perspective (2009).

²² Raheel's Reflections, RAHEEL RAZA, <http://www.raheelraza.com/raheelblog.htm>, last accessed 22 April 2017.

²³ See e.g. Mary Abdelmassih, Forced Islamization of Christian Girls Supported by Egyptian State (23 Dec 2009), ASSYRIAN INTERNATIONAL NEWS ASSOCIATION, <http://www.aina.org/news/20091223164421.htm>. See also Robert Spencer, Pakistan: Muslim groups threaten more violence against Christians (5 Aug 2009), JIHAD WATCH, <https://www.jihadwatch.org/2009/08/pakistan-muslim-groups-threaten-more-violence-against-christians>.

²⁴ Quote originally published in the Saudi Gazette.

The UN is in danger of creating a global blasphemy law that would make religious criticism a crime, even when these laws rampantly violate Human Rights as well as its own Universal Declaration of Human Rights.²⁵

This is radical Islam.

Its capability of mutation and transformation to sustain and grow is incredible. It has assumed Islam's virtual ownership by various means. The peaceful version of Islam in many Muslim countries from India westward to Indonesia has already been corroded and fast losing to radical Islam. In the Middle East, it has taken full advantage of petrodollars and Islamic centers such as Mecca, Medina, the Kaba'a, and Hajj to further their cause.

²⁵ Speaking Freely About Religion: Religious Freedom, Defamation and Blasphemy, INTERNATIONAL HUMANIST AND ETHICAL UNION, http://iheu.org/newsite/wp-content/uploads/Speaking%20Freely%20about%20Religion_0.pdf.

Unfortunately, we see that the secular governments ruling many Muslim majority countries are so corrupt and inefficient that the people are desperate for alternatives. Radical Islamists waste no time in projecting themselves as a divine alternative to them. And the masses in their blissful ignorance of what they are getting themselves into, accept them. By taking advantage of the tolerant, open-minded, unbiased, and multicultural immigration laws of the West, the politically correct media and politicians, and not to say the least, some of their naïve intellectuals, they nudge their agenda forward slowly but surely. It is no exaggeration that politicians, judges,²⁶ and even the Archbishop²⁷ are known to favor their cause. It has achieved significant government funding,²⁸ political patronizations,²⁹ and legal acceptance of some Sharia laws in various European countries. Its calculative and strategic advance in the West has even penetrated universities and political parties. A spine-chilling report from an UK Minister published in the Telegraph on 27 February 2010 shows the nature and magnitude of its success.³⁰

The Islamic Forum of Europe (IFE), which believes in Sharia law and wants to turn Britain and Europe into an Islamic state, has placed sympathizers in elected office and claims, correctly, to be able to achieve “mass mobilization” of voters. Speaking to The Sunday Telegraph, Jim Fitzpatrick, the Environment Minister, said the IFE had become, in effect, a secret party within Labour and other political parties.

“They are acting almost as an entry-organization, placing people within the political parties, recruiting members to those political parties, trying to get individuals selected and elected so they can exercise political influence and power, whether it’s at local government level or national level,” he said. “They are completely at odds with Labour’s programme, with our support for secularism.”

²⁶German Judge Tries to Introduce Sharia Law Into Her Court (23 Mar 2007), NATIONAL SECULAR SOCIETY, <http://www.secularism.org.uk/78279.html/>.

²⁷Riazat Butt, Uproar as Archbishop Says Sharia Law Inevitable in UK (8 Feb 2008), THE GUARDIAN, <http://www.guardian.co.uk/religion/Story/0,,2254592,00.html>.

²⁸ See e.g. London’s Tower Hamlets council funded £38,000 to the Cordoba Foundation, Storm Front Forum.

²⁹ Paul Belien, Organizers of Brussels Anti-Sharia Demo Appeal against Ban (16 Aug 2007), THE BRUSSELS JOURNAL, <https://www.brusselsjournal.com/node/2330>.

³⁰ Andrew Gilligan, Islamic Radicals 'Infiltrate' the Labour Party (27 Feb 2010), THE TELEGRAPH, <http://www.telegraph.co.uk/news/newstopics/politics/labour/7333420/Islamic-radicals-infiltrate-the-Labour-Party.html>.

Radical Islam looms large and threatening like a dark cloud in the horizon and reports like the above are clear warning signs. The West can no longer remain complacent and be mute spectators in the face of this grim and relentless march of Radical Islam if they know what is good for them. Currently, no effective means are in place to check this progress. A study of the explicitly detailed document that exhibits its goal, strategy, and progress in Europe is truly horrifying.³¹

Radical Islamists are great planners and their patience is legion. It must be remembered that they are far-sighted and do not anticipate seeing the fruits of their vision for decades! To their sinister end they are carefully indoctrinating their next generations through a well-guarded theological format of political Islam. They never expose their kids to the nonviolent, non-political pluralistic interpretation of Islam. This is done by State and non-State agencies through School syllabi and innumerable Madrasas (formal and informal Islamic schools). A look into the hateful syllabi of the Pakistani School Board or even Al Azhar University is spine chilling.³² The process seems unbeatable:

“They are the biggest madrasas in the [North-West] Frontier,” Javed Paracha (a burly tribal leader who founded and financed two big madrasas) stated proudly to me after stopping to say a prayer at the al-Qaeda shrine. “The books are free. The food is free. The education is free. We give them free accommodation. In a poor and backward area like this, our Madrasas are the only form of education. The government system is simply non-existent! The religious tenor of Pakistan has been correspondingly radicalized; the tolerant Sufi-minded Barelvi form of Islam is now deeply out of fashion, overtaken by the sudden rise of the more hardline reformist Deobandi, Wahhabi, and Salafi strains of the faith that are increasingly dominant over swaths of the country.”

³¹ BAT YE'OR, *EURABIA: THE EURO-ARAB AXIS*, Fairleigh Dickinson University Press, (2005).

³² Ismael El-Kholy, *Al-Azhar Controversy Leads to Curriculum Updates*, AL-MONITOR (5 June 2015), <http://www.al-monitor.com/pulse/originals/2015/06/egypt-azhar-university-curriculum-updates-extremist-sisi.html>. See also *Pakistan Schools Teach Hindu Hatred*, ASSOCIATED PRESS (1 March 2014), <https://www.dawn.com/news/672000>.

This explains the problem of gradual radicalization of the Muslim world and “homegrown terrorists” in the West. All humankind will soon be in trouble unless we protect our next generations from the violent theology of radical Islam. Once these kids grow up deeply entrenched in the deeply violent theology of radical Islam they are hard to change. However, there have been some exceptions, such as the following (but certainly not limited to) Quilliam’s Ed Hussain, Maajid Nawaz, and Dr. Tawfiq Hamid: all of whom are former radical Islamists who turned against radical Islam.³³

That is what radical Islam thrives on. Its weakest front is its theology. All good forces of humanity should dismantle it with the progressive Muslims at the forefront.

We are not born with hate – it is taught.

³³ QUILLIAM INTERNATIONAL, Quilliaminternational.org, last accessed 7 June 2017.

WHAT IS ISLAM?

“Keeping in view the several definitions given by the ulama, need we make any comment except that no two learned divines are agreed on this fundamental. If we attempt our own definition as each learned divine has done and that definition differs from that given by all others, we unanimously go out of the fold of Islam. And if we adopt the definition given by any one of the ulama, we remain Muslims according to the view of that alim but kafirs according to the definition of everyone else.”¹

The excerpt above is from the Munir Commission Report (led by former Chief Justice Muhammad Munir) that was set up in Pakistan in 1953 to define Islam. The commission worked with top national Islamic scholars for more than two years to define “Islam” and “Muslim.” That was the only formal effort in history to define Islam. Mawlana Mawdudi’s (the founding father of modern radical Islam in India in 1941) theist political party, Jamat-E Islami, had been pressing the government to constitutionally declare the Ahmadi-Muslims as non-Muslims. In 1953, Mawdudi’s leaflet, “The Qadiany Problem,”² led to the extermination of about fifteen thousand Ahmadi Muslims in Lahore in just three days. Mawdudi was tried and sentenced to death but was eventually “pardoned” due to Saudi-influence. We note that he stands as a mass-murderer forever because he was only pardoned from judicial execution, but was not acquitted from the charge of mass-murder.

Much of the chaos, confusion, violence, and sectarian brutalities prevalent in Muslim societies were, and continue to be, due to absence of a tangible definition of Islam.³ Today the world at large looks askance at the Muslim society, confused and fearful with an undercurrent of hatred and mistrust. On the contrary, the average Muslim stands much misunderstood by his peers, wringing his hands in perplexity and ignorance! That is why defining Islam is the very first order of things to undo the mischief and violence caused by radical Islam. The gap has deadly consequence. Without defining Islam, heady concepts such as “Islamic civilization,” “Islamic Law,” “Islamic State,” “Islamic heritage,” “Islamic society,” “Islamic values,” the profit-making business of “Islamic Banking,” the absurd “Islamic Medicine,” and even “Islamic interpretation of Dreams”⁴

¹ Munir Commission Report 227, (1954) available at http://www.thepersecution.org/dl/report_1953.pdf. “Alim” means Islamic scholar (singular) while Ulama/ulema means Islamic scholars (plural). “Kafir” means Non-Muslim (author).

² S. Abul Ala Maududi, *The Qadiani Problem*, Islamic Publications, available at <http://www.scribd.com/doc/2591432/04-The-Qadiani-Problem>.

³ Report of the Court of Inquiry constituted under Punjab Act II of 1954.

⁴ Meaning of Dreams in Islam, available at http://www.experiencefestival.com/a/Meaning_of_Dreams_in_Islam/id/52705.

have been established in the name of Islam. In the absence of a clear concept or definition of Islam, how do we define a Muslim? How does a Muslim view himself and on the flip side of the coin, what does the word Muslim evoke or engender in the minds of the non-Muslims? Failure to define Islam thus essentially means failure to define a Muslim.

Nonetheless, Mawdudi wielded such a great influence that some radical Islamists declared that criticizing their party (the political party created by Mawdudi) amounted to criticizing Islam itself.⁵

Almost all our past and present scholars, scientists and saints including the famous saint Abdul Kader Jilani have been victims of this dictum.⁶ It is important to note that the Prophet Muhammad (S) left leadership to the people's choice, exemplifying one of the basic elements of today's democracy. Nevertheless, monarchy captured political power within the 31 years of the Prophet's demise. The power grabbers knowing that their rules were illegitimate needed to create a distorted definition of Islam to legitimize their rule as Islamic.

So, what is the true Islam as defined by the Quran and the Prophet (S)?

THE QURAN'S DEFINITION OF ISLAM

The Quran provides only two methods to define Islam: (1) Defining itself, and, (2) Defining the life mission of all the Prophets.

Now, let's define the Quran from the Quran itself. Let's start by comparing the verses from Abdullah Yusuf Ali's translation and their explanations from Mawlana Mawdudi's Tafhimumul Quran.

- 1) "Say: "That is a Message Supreme" (38:67). Mawdudi skipped explaining this verse and went to the next verse.
- 2) "This is no less than a Message to (all) the Worlds". (38:87). Mawdudi skipped explaining this verse and went to the next verse.
- 3) "Verily this is an Admonition" (73:19) -. Mawdudi skipped explaining this verse and went to the next verse.
- 4) "This surely is an admonition". (74:54). Mawdudi skipped explaining this verse and went to the next verse.

⁵ Speech of late Matiur Rahman Nizami the ex-Ameer of Bangladesh Jamate Islami - The Daily Star 01 April 2005.

⁶ He was declared an apostate by 2000 clergy led by Imam Houj- Preface of "Fathul Goyob" – a compilation of Sufi Jilani's speeches.

- 5) “We have made the (Qur'an) a Light”. (42:52). Mawdudi explained other verses but skipped explaining this verse and went to the next verse.
- 6) “Rejected apostles before thee, who came with Clear Signs, Books of dark prophecies, and the Book of Enlightenment” (3:184). Mawdudi skipped explaining this verse and went to the next verse.
- 7) “Blessed is He who sent down the criterion to His servant, that it may be an admonition to all creatures.” (25:1). Mawdudi says- “The warner may be Al-Furqan or the Holy Prophet to whom it was revealed. In fact, both were the warners because they were both sent for one and the same purpose”. -
- 8) “We have, without doubt, sent down the Message.” (15:9). Mawdudi changed the word “Message” that has an established specific meaning to “Term” or “Expression” by saying, “it is We Who have sent this ‘Word.’”
- 9) “Yet there is among men such a one as disputes about Allah, without Knowledge, without Guidance, and without a Book of Enlightenment.” (22:8). Mawdudi says “Illuminating Book” is “Source of information gained from Divine Revelation”.
- 10) “Allah has revealed the most beautiful Message in the form of a Book..... Such is the guidance of Allah.” (39:23). Mawdudi agrees that the Quran is “the best teaching, a self-consistent Book. That is Allah’s Guidance.”
- 11) “For it is indeed a Message of instruction” (80:11). Mawdudi explains – “The allusion is to the Quran”.

We now see that the Quran nowhere defines itself as a book of law or state-administration. Rather, it defines itself as:

- Book of Light,
- Divine Guidance
- A Message Supreme
- Message to the Worlds
- Book of Admonition
- Book of Enlightenment

- Criterion to His servant
- Admonition to all creatures, and
- Beautiful Message in the form of a Book and Guidance⁷

It is interesting to note that like all other radical Islamists, Mawdudi either skipped those crucial verses, or was forced to support them since the verses are so clear and precise that, unfortunately for the radicals, it left absolutely no scope for twisting or “improvement”! Dabbing the Quran with the brush of politics was one of the most serious betrayals to the Quran. Transforming the meaning of the Quranic word “Sharia” from “Moral Guidance” to “State Law” was one of the major conspiracies against Islam.⁸ Imam Bukhari’s compilation of Sahi Hadiths—that stands next to the Quran in stature—proclaimed that the Quran was not a book of law.⁹

The Quran addressed numerous instances of real life issues pertaining to specific people, period, and the geographical location in which Islam was born. Prophets appeared among people who, far from being civilized, were essentially barbaric in nature. Prophets by their very nature are stern disciplinarians and bring winds of change in their wake, so it is not surprising that the vast Quran contains few verses of social rulings and crime-punishments. But does that make the Quran a book of State law? To be clear, the Quran also speaks of the stars and the earth, which does not make it a book of astronomy or geography, does it?

We can draw a parallel here. A history book may contain financial systems of by-gone societies, does that make it a book of finance? Thus, most of Quran’s and Prophet’s social rulings, chastisements or punishments are purely contextual and cannot be applied to present day society. The Quran, by its own definition, is much vaster in scope than narrow political or State rulings. Sharia-Stalwarts have abrogated or changed many such rulings; this will be discussed in another chapter.

⁷ QURAN 3:184, 6:90, 38:67, 87, 42:52, 73:19, 74:54, 15:9, 22:8, 25:1 and 39:23.

⁸ QURAN JASHIYAH 18. See also Mayeda 48 and Ash Shura 13.

⁹ Bukhari Al, ENCYCLOPEDIA BRITANNICA, (1983). Imam Bukhari’s (810 – 870 AD) compilation of Sahi Hadiths is regarded as one of the most respectable Hadith collections.

Next, the Quran also consistently defines the mission of all prophets as only “preachers” and never as political rulers. Their political ruling or other activities were circumstantial, not part of their faith. Now, we will once again compare those verses from the translation of Abdullah Yusuf Ali and the explanations of the verses by Mawlana Mawdudi. We will see that just like he did with the Quranic verses defining the Quran shown above, Mawdudi had either supported or completely skipped explaining these crucial verses about all Prophets’ life-mission.¹⁰ Indeed, there are some apparently contradictory verses that radical Islamists take advantage of; we will discuss those in the chapter on arguments of radical Islamists.

1. “Apostles only to give good news and to warn.” Mawdudi skipped explaining this verse and went to the next verse.
2. “Therefore, do thou give admonition, for thou art one to admonish.”. Mawdudi skipped explaining this verse and went to the next verse. (Quran 88:21 –
3. “Thou art not one to manage (men's) affairs”. Mawdudi skipped explaining this verse and went to the next verse. (Quran 88:22 –
4. Say: "O ye men! I am not (set) over you to arrange your affairs." . Mawdudi skipped explaining this verse and went to the next verse. (Quran 10:108 -
5. “Our Messenger’s duty to proclaim (the message) in the clearest manner”. Mawdudi skipped explaining this verse and went to the next verse. (Quran 5:92 –
6. “The Messenger’s duty is but to proclaim (the message)”. Mawdudi skipped explaining this verse and went to the next verse. (Quran 5:99 –
7. “But what is the mission of apostles but to preach the Clear Message?”. Mawdudi skipped explaining this verse and went to the next verse. (Quran 16:35 –
8. ““verily thou dost guide (men) to the Straight Way”. Mawdudi skipped explaining this verse and went to the next verse. (Quran 15:89 –

¹⁰ Quran Araf 7:184. See also e.g., Kahf 18:56; Ahzab 33:45; Gashiyah 88:21, 22; Anam 6:107; Ra’ad 13:40; Nisa 4:80, 165; Tawba 9:51; Bakara 2:119, 272; Nahl 16:82; Sa’ad 38:65, 70; Fatir 35:23, 24; Ahkwaf 46:9; Anam 6:52, 66; Ash Shura 42:48; Yunus 10:108; Kwahf 29; Mayeda 5:92, 93; Hijr 15:89.

9. “he is but a perspicuous warner”. Mawdudi skipped explaining this verse and went to the next verse. (Quran 7:184 –
10. “But if they turn away, thy duty is only to preach the clear Message”. Mawdudi skipped explaining this verse and went to the next verse. (Quran 16:82 –
11. “It is not required of thee (O Messenger., to set them on the right path, but Allah sets on the right path whom He pleaseth”. Mawdudi skipped explaining this verse and went to the next verse. (Quran 2:272 –
12. “Verily We have sent thee in truth as a bearer of glad tidings and a warner”. (Quran 2:119). Mawdudi did not contradict it.
13. “Verily We have sent thee in truth as a bearer of glad tidings and a warner”. (Quran 2:119 – Mawdudi did not contradict.
14. “Messenger. who gave good news as well as warning, that mankind, after (the coming) of the apostles, should have no plea against Allah”. (Quran 4:165). Mawdudi did not contradict.
15. “Truly We have sent thee as a Witness, a Bearer of Glad Tidings, and Warner, And as one who invites to Allah’s (grace) by His leave, and as a lamp spreading Light.” (Quran 33:45 & 46 – Mawdudi supported it.
16. “We made thee not one to watch over their doings, nor art thou set over them to dispose of their affairs”. (Quran 6:107 – Mawdudi also says: - “It is emphasized that the Prophet (peace be on him) is only required to preach the Truth and try to call people to embrace it. His responsibility ends at that for he is, after all, not their warden”.
17. “I am but a Warner open and clear.” (Quran 46:9). Mawdudi supports it by saying – “My only mission is that I should present the right way before the people, and should warn of an evil end those who do not accept it.”
18. “But if any turn away, we have not sent thee to watch over their (evil deeds)”. (Quran 4:80 – Mawdudi supports it – “The task entrusted to the Prophet (peace be on him) was merely to communicate to them the ordinances and directives of God and he acquitted himself of it very well. It was not his duty to compel them to follow the right way”.
19. “Say: "Not mine is the responsibility for arranging your affairs.” (Quran 6:66 – Mawdudi also says – “His task is merely to proclaim Truth as distinct from falsehood.”

20. “thy duty is to make (the Message) reach them: it is our part to call them to account.” (Quran 13:40). Mawdudi supported it.
21. “Only this has been revealed to me: that I am to give warning plainly and publicly.” (Quran 38:70). Mawdudi skipped explaining this verse and went to the next verse.
22. “Thou art no other than a warner.” (Quran 35:23). Mawdudi also says, “Your only duty is to warn the people and nothing else.”
23. “But thee We only sent to give glad tidings and admonition.”. (Quran 25:56).
24. “We only send the apostles to give Glad Tidings and to give warnings.” (Quran 18:56 (YA)). Mawdudi also translates as, “The only mission for which We send the Messengers is to convey good news and stern warning.”
25. “We have not sent thee as a guard over them. Thy duty is but to convey (the Message) “Verily thou dost guide (men) to the Straight Way” (YA). (Quran 42:48 & 52 – This chapter has 53 verses but Mawdudi’s Tafhimul Quran ends with verse 29.
26. “We made thee not one to watch over their doings, nor art thou set over them to dispose of their affairs” (YA). (Quran 6:107). Mawdudi says, “the Prophet (peace be on him) is only required to preach the Truth and try to call people to embrace it. His responsibility ends at that for he is, after all, not their warden”.

Mawdudi knew well that his political version of Islam violates the verses above, thus, he tried to defeat these verses by saying:

“Although this is a very simple and clear interpretation of verse 56 (and of similar other verses), yet some people erroneously conclude from it that the only duty and responsibility of the Prophet is to convey the Message and nothing else. They forget that the Qur'an has stressed over and over again that the Prophet is not only a giver of good news to the Believers but he is also their teacher, their lawgiver, judge and guide, a purifier of their morals and a model of life for them, and that every word which he utters is law which they have to obey and follow willingly in all walks of life and for all times to come”. (Explanation of 25:56)

Mawdudi never proposed a tangible rationale of the contradiction among these three identities of the Prophet: notably (1) as a preacher without force, (2) as a governor by the force of laws, and (3) as a model of life.

By saying, “*obey and follow willingly in all walks of life and for all times to come,*” he ignores that many of Prophet’s rulings are contextual, although in other places Mawdudi stressed on contextual nature of Quranic verses and Prophet’s rulings.

In the minds of their followers, the image of the Prophets loomed tall and formidable as mighty preachers and not as Presidents or military generals. It is true that a few prophets like Prophet Yusuf and Prophet David did rule over kingdoms, but it was purely circumstantial. Prophet Yusuf was given a kingdom by the ruler of Egypt and King Talut of Bani Israel bequeathed a kingdom to Prophet David and his son Suleiman (Solomon) inherited it.¹¹ Conducting politics, waging wars, or running an administration are never conditions of prophethood. Our early Imams knew it well; they did not assume political positions even after repeated propositions, pressure and even torture by the Caliphs. Imam Malik’s life illustrates this. He was approached by the Caliph with two proposals:

- 1) To enact his Book of Law as State Law (Imam Malik wrote only few laws anyway).
- 2) To hang his book of Law in the Holy Ka’aba.

His intentions were obvious. He wanted to legitimize his rule as “Islamic” since having it in the Ka’aba means to have divine sanction. However, Imam Malik never fell into the wily trap of the Caliph, and because of his refusals he was repeatedly persecuted. His visionary reply still can serve as a beacon of light to Muslims everywhere when he said, “I am Imam here. In other places, they have their Imams.” We must follow imams of our time, not copycat the past.

All the four Sharia-Imams never claimed their laws as “Allah’s Law”. When Imam Shafi’i was asked about his legal opinion, he averred, “we are under obligation to arrive at the right answers according to us.”¹² (Emphasis mine). He clearly implied that it is solely his judgment and not the word of God. It should also be noted that it was applicable to one particular issue confined to that period of time and place. That is why

¹¹ Kasasul Anbia – Vol 1 – page 259; Vol 2 – page 62.

¹² Al-Shafii’s Risala – translated by Majid Khadduri.- page 292.

the social edicts of different Prophets were different as they lived during different time periods, as even Mawdudi admits.¹³

PROPHET DEFINES ISLAM

Many myths entered Islam as it happened with other faiths. Many Muslims believe that Prophet (S) (1) was made of light, (2) didn't have shadow, (3) could see behind, and (3) insects couldn't sit on his body (among other qualities). However, in many verses, the Quran, described all Prophets as human beings with some divine responsibilities that never included establishing a political state. Prophet (S) also supported it. Allow me to provide a quote to reference this:

Anas reported that Allah's Messenger (may peace be upon him) happened to pass by the people who had been busy in grafting the trees. Thereupon he said: If you were not to do it, it might be good for you. (So they abandoned this practice) and there was a decline in the yield. He (the Holy Prophet) happened to pass by them (and said): What has gone wrong with your trees? They said: You said so and so. Thereupon he said: You have better knowledge (of a technical skill) in the affairs of the world.¹⁴

There are scores of documents in existence that show, without a shadow of a doubt, that Prophet himself defined Islam which unequivocally excluded political overtones or the idea of creating states in the name of God. In other words, an "Islamic State" was far from the mind of our Prophet as an essential part of Islamic faith. Given below are a few examples which amply exemplify the above.

- 1) "He (angel Gabriel) said O Muhammad! Tell me about Islam. The Messenger of Allah (PBUH) said: Islam is to testify that there is no God but Allah and Muhammad is the Messenger of Allah, to perform the prayers, to pay the Zakat (Islamic tax), to fast in Ramadan and to make the pilgrimage to the House if you are able to do so."¹⁵

¹³ Explanation of Quran 5:49, available at <http://www.tafheem.net/main.html>.

¹⁴ Sahi Muslim Book 030 – 5832.

¹⁵ AN-NAWAWI'S FORTY HADITH, translated by Dr. Izzedin Ibrahim and Denys Johnson-Davies, Islamic Book Service, (2007).

- 2) One day the Angel Gabriel came to Prophet and asked – “O Muhammad! What is Islam?” He replied – “Islam is – worship Allah without any partner, establish prayer, observe the Islamic tax (Zaka’at).”¹⁶
- 3) “The representative of a tribe came to the Prophet and asked – ‘O Prophet! Please give us some instruction that will enable us to go to heaven’. He said – (1) Promise and accept that none but Allah is to be worshipped and Muhammad (SA) is His Prophet, (2) Establish prayer perfectly, (3) Pay the Islamic Tax (4) Fast in the month of Ramadan and (5) pay one fifth of war-booty. He also said – “Memorize these instructions well and tell everybody when you go back.”¹⁷

Here is the path to Heaven clearly delineated by our Prophet. He underscores this by instructing the tribal representative to memorize these 5 dictums and to tell everyone! Prophets, as you can imagine, are giants among men and thus natural leaders. So, it is not surprising, that it has been their lot to arbitrate among men, to chastise, or to pass judgments now and then. But, did the Prophet ever ask anyone to memorize his social or judicial decisions and convey to others? The answer is an emphatic, “No!” This clearly indicates that some of the issues he dealt with, or on which he passed judgment, is true to that situation only and not universally applicable!

¹⁶ CODIFIED ISLAMIC LAW 498, (Vol. 2) – with reference to Sahi Bukhari, Muslim, and Miskat.

FABRICATED DEFINITION OF ISLAM

As there was little scope for insertion of texts in the Quran, they did the next best thing. A vast swath of “Prophet’s examples” (Hadith) were fabricated to create and legitimize the fabricated Islam. It was a brilliant move actually. Our six Imams collected about 2.3 million such Hadiths, rejected about 98.98% of them, and aggregated only 1.02% (23,346 Hadiths) in six compilations.”¹⁸ To demonstrate these fabrications, one glaring example should suffice. In the statement attributed to our Prophet in which he says that we would never go astray if we hold on steadfastly to what he is leaving behind, there is glaring evidence of these fabrications. There are three different reports of his last sermon about it.

1) Prophet left behind The Quran and his Sunnah (Sunni version):

“The Prophet Muhammad (peace be upon him) said: “I have left two things among you, as long as you hold fast to them, you will never go astray. They are the Book of Allah (Quran) and the Sunnah of His Messenger.”¹⁹

2) Prophet left behind The Quran and his progeny (Shiite version):

“I am leaving among you two weighty things: the one being the Book of Allah in which there is right guidance and light, so hold fast to the Book of Allah and adhere to it. He exhorted (us) (to hold fast) to the Book of Allah and then said: The second are the members of my household.”²⁰

3) Prophet left behind only Quran:

“I have left among you the Book of Allah, and if you hold fast to it, you would never go astray.”²¹

“I have left among you, which if you hold fast, you will not go astray. It is Allah’s Book (the Holy Qur’an).”²²

¹⁷ Sahi Bukhari, No. 12, (translated by Hafiz Abdul Jalil).

¹⁸ AKHTAR SHERAJI AND SAFDAR AGHA, THE QURANIC CONCEPT OF NIKAH (WEDLOCK) VS. RELIGIOUS PROSTITUTION 423, Quranic Education & Research, (2005).

¹⁹ Tarikh Al Tabari Vol. 1 page 113.

²⁰ Sahi Muslim Hadith 5920, available at http://www.iium.edu.my/deed/hadith/muslim/031_smt.html.

²¹ Sahi Muslim, Vol. 7-2803 and 5922, available at http://www.iium.edu.my/deed/hadith/muslim/007_smt.html.

²² Sahi Ibn Majah, Vol. 4–3078. See also Muwatta 46/3; Muslim 44/4; Muslim 15/19.

“God’s Book is enough for us.” (Caliph Omar)²³

Clearly, all of the three cannot be true; either all or two of them are false. The Quran repeatedly proclaims itself as a simple, clear, and complete Book.²⁴ So, it does not take much contemplation to understand which of these statements is correct. I am not discarding Hadiths at all. Indeed, Hadiths are a unique literature of humankind. It is an important source of understanding the theological-social dynamics of that society. Many Islamic rituals came from Hadiths too, but that does not take Hadith to the level of divinity like the Quran, because there is no built-in mechanism to detect or stop the abuse of Hadiths.

Had an Islamic State been a part of the Islamic faith, our four Jurist Imams²⁵ would certainly have joined the power center. Islamic preachers also knew this very well. They established Islam in vast areas of the world, albeit they refrained from establishing Sharia Law or Islamic State. Many of them were fantastic fighters. Moved by the people’s pleas, many of the preachers had fought and defeated torturous kings. Assuming political power could have helped them in the difficult task of preaching and spreading Islam, however, none, simply none of them, did so and it is generally the same story from Sind to Indonesia. Here are a few examples from the history of Bengal, a country in which about 89% of the inhabitants are Muslims.²⁶

<u>PREACHERS</u>	<u>DEFEATED KINGS</u>	<u>LOCATION</u>
Shah Jalal	Gourh Gobinda	Sylhet
Shah Nekomordan	Veemraj	Dinajpur
Jaffor Khan Gazi	Man Nripoti	Dinajpur
Peer Badruddeen	King Mohesh	Dinajpur
Shah Badruddeen	Mog robbers	Chittagong
(A) Sultan Balkhi	King Balaram	Harirampur

²³ Sahi Bukhari, Vol. 1-114.

²⁴ Quran chapter Anam 59. See also e.g., Yunus 61; Nahl 89; Bakara 221; Kahf 1; Bani Israel 9, 41; Kamar 17, 22, 32, 40; Imran 118.

²⁵ Imams Abu Hanifa, Malik, Shafi’i, and Hanbal.

²⁶ The World Factbook, CENTRAL INTELLIGENCE AGENCY, www.cia.gov/library/publications/the-world-factbook/geos/bg.html, last accessed 15 April 2017.

(B) Sultan Balkhi	King Porshuram	Bogura
Kattal Peer	Mog Robbers	Chittagong
Borkhan Gazi	King Mukut Roy	Jessore
Shah Mahmud	Bikrom Keshori	**place not confirmed

These early Imams and preachers strictly adhered to the definition of Islam given by the Quran and Prophet, and never subscribed to the radical Islam created through conspiracy. History is witness to the fact that people in countries from Sind to Indonesia enjoyed a peaceful state of Islam for centuries. If it was possible then, could it not be made a reality today?

TRIPLE TALAQ IS HARAM AND ANTI-ISLAMIC

What went wrong with us? Did we Muslims lose our conscience? Why do we never think of the insult and pain of a victim of triple talaq? Why does she have to live such a vulnerable life in fear that she may lose her home right after marriage, after living her whole life building the home, giving birth to children, and taking care of the home day and night? It's heartbreaking that our alims can protect her honor and rights by the Quran and Prophet (S), but many of them do not.

The Sharia law of “triple talaq,” or “instant divorce by Muslim husbands,” is anti-Islamic for four reasons. (1) It insults and ruins Muslim women, (2) it violates three instructions of the Quran about divorce, (3) it violates the Prophet (S), and (4) it defames Islam. Sadly, and wrongly, this anti-Islamic Sharia law is established as “Allah’s Law” as shown below.

1. “Effective number of utterances corresponds to whatever number utterances he has in mind, twice or thrice, at that instant is effective.”¹
2. “The number in the husband’s mind or signs made with his fingers determine the number of divorce.”²
3. “Final divorce takes place if a husband utters triple talaq to his wife with one sentence at one time or with separate sentences in different times.”³
4. “If someone takes such step then this shall effectively lead to final talaq. This cannot be renounced and there shall be no way for renewal of marriage.”⁴
5. Triple talaq is legitimized even under compulsion, intoxicants and in jokes.⁵

¹ RELIANCE OF THE TRAVELLER (Shafi’i Law 5.N.3), translated by Nuh Ha Mim Keller, Amanat Corporation, (Revised edition, 1997).

² Hedaya the Hanafi Law 81. This is the textbook selected by the Council of Legal Education for the examination of the students of the Inns of Court to qualify for the English Bar in England.

³ CODIFIED ISLAMIC LAW, (Vol. 1), Law # 351.

⁴ Tafseer of the Quran by Mawlana Muhiuddin Khan, page 128.

⁵ Deen Ki Bate (Bangla translation) by Mawlana Ashraf Ali Thanvi, pages 251 and 253

“Sharia the Islamic Law by Dr Abdur Rahman Doi, page 174.

Tafseer of the Quran by Mawlana Muhiuddin Khan, page 131..

According to Sharia law, after divorce, a wife can be remarried to her previous husband only after (1) she marries another man, (2) consummates her marriage with him, and (3) the new husband divorces her without any compulsion.⁶

Now, let us look at the Islamic references and sources that prove why triple talaq is anti-Islamic.

1. Sahi Muslim (Chapter 2: Pronouncement of three divorces (triple talaq)).

(A) Book 009, Number 3491:

Ibn 'Abbas (Allah be pleased with them) reported that the (pronouncement) of three divorces during the lifetime of Allah's Messenger (may peace be upon him) and that of Abu Bakr and two years of the caliphate of Umar (Allah be pleased with him) (was treated) as one. But Umar b. Khattab (Allah be pleased with him) said: Verily the people have begun to hasten in the matter in which they are required to observe respite. So if we had imposed this upon them, and he imposed it upon them.

(B) Book 009, Number 3492:

Abu Sahba' said to Ibn 'Abbas (Allah be pleased with them): Do you know that three (divorces) were treated as one during the lifetime of Allah's Apostle (may peace be upon him), and that of Abu Bakr, and during three (years) of the caliphate of Umar (Allah be pleased with him)? Ibn Abbas (Allah be pleased with them) said: Yes.

(C) Book 009, Number 3493:

Abu al-Sahba' said to Ibn 'Abbas: Enlighten us with your information whether the three divorces (pronounced at one and the same time) were not treated as one during the lifetime of Allah's Messenger (may peace be upon him) and Abu Bakr. He said: It was in fact so, but when during the caliphate of 'Umar (Allah be pleased with him) people began to pronounce divorce frequently, he allowed them to do so (to treat pronouncements of three divorces in a single breath as one).

2. According to Sahi Abu Dawood and several other traditions, “when Prophet’s companion, Rukana Abu Yazid, pronounced Triple-Talak to his wife, Prophet (S) said, “All three counts as only one. If you want, you may revoke it.”⁷
3. Imam Nasai quoted from a narration by Ibn Labid, “When the Prophet got the news of a person pronouncing TALAK thrice to his wife at the same time, [Prophet] was agitated and said, ‘Are you mocking God’s Book, when I am still around?’”⁸
4. “According to Sahi Nasai, after hearing a companion pronounced TALAK thrice at the same time to his wife, the Prophet (S) stood up in anger and said, ‘are you mocking at God’s Book even though I am still around?’”⁹
5. “During the time of Prophet, Caliph Abu Baker and early days of Caliph Omar, three utterances of TALAK at one time were counted as ONE. Omar proceeded to impose such a rule (of instant divorce).”¹⁰
6. “Many years after the death of the Prophet a new form of divorce made its appearance as an innovation (Bid’ah). The husband utters triple talaq or conveys it to the wife in writing. This form of divorce leaves no room for reconsideration and repentance. When ignorant people do it they commit a heinous sin against the precepts of the Shariah. The Holy Prophet has very severely denounced this practice.”¹¹ **It is important to note that Hz. Omar (R) also passed a law to punish the husbands (who uttered triple talaq) with 80 lashes¹² but I did not find any punishment in any Sharia law book.
7. World-renowned and award-winning Islamic scholar, Asghar Ali Engineer, says that this law has been recorded In Hanafi and Shafi’i law but actually it is a pre-Islamic practice.¹³

⁶ “Islamic Laws” by Ayatollah Sistani Law# 2536, Hanafi law page 81, Shafi’i law 7.N.7, Quranic Tafseer page 126 by Muhiuddin Khan, Ashraf Ali Thanvi, Law# 1543etc.

⁷ MAWLANA WAHID UDDIN, WOMAN IN ISLAMIC SHARI’AH 109, Goodword Books, (2001).

⁸ Mawlana Muhiuddin, QURANIC TAFSEER 127.

⁹ SHARIF CHAUDHRY, WOMEN’S RIGHTS IN ISLAM 51, Sh. Muhammad Ashraf, (Reprint edition, 1991).

¹⁰ MAULANA WAHID UDDIN, WOMAN IN ISLAMIC SHARI’AH 109, Goodword Books, (2001).

¹¹ DR. ABDUR RAHMAN DOI, SHARIA: THE ISLAMIC LAW 179, Ta Ha Publishers, (1981).

¹² <http://www.systemoflife.com/fiqh/talaq/203-the-issue-of-triple-talaq#ixzz4kkP4qQke>

¹³ Asghar Ali Engineer, RIGHTS OF WOMEN AND MUSLIM SOCIETIES 48, available at <http://www.sociolegalreview.com/wp-content/uploads/2015/12/Rights-Of-Women-And-Muslim-Societies-Asghar-Ali-Engineer.pdf>.

The Quran nowhere, even remotely, sanctions instant divorce. Rather, it commands to take at least two months, keep two witnesses and count period of the wife for a divorce to be finalized.¹⁴

- The husband can cancel the divorce within two periods. Triple talaq deprives him that option.¹⁵
- Two witnesses are needed to complete the divorce.¹⁶ Normally, when triple talaq takes place in compulsion, often by phone call, text message or in a voicemail, in the absence of any witnesses.
- Sharia law also violates the Quranic dictum of keeping witness of the divorce.¹⁷ The law is “Keeping witness is not a condition for a husband to divorce his wife.”¹⁸

Finally, Allah gave a divorced couple absolute right to remarry each other without depending on any law or anyone’s whim. Quran 2:232 commands the following (in various translations):

“And when you divorce women and they have fulfilled their term, do not prevent them from remarrying their [former] husbands if they agree among themselves on an acceptable basis.” (Quran, Sahih International, emphasis added).

“And when ye have divorced women and they reach their term, place not difficulties in the way of their marrying their husbands if it is agreed between them in kindness.” (Quran, Pickthall, emphasis added).

“When ye divorce women, and they fulfil the term of their (Iddat), do not prevent them from marrying their (former) husbands, if they mutually agree on equitable terms.” (Quran, Yusuf Ali).

¹⁴ QURAN 2: 229, 65: 1 & 2.

¹⁵ Ibid.

¹⁶ QURAN 65:1 & 2. See also Sunan Abu Dawood, Book 12, Number 2181.

¹⁷ Ibid.

¹⁸ CODIFIED ISLAMIC LAW, (Vol. 1), Law# 344.

“And when you have divorced women and they have ended-- their term (of waiting), then do not prevent them from marrying their husbands when they agree among themselves in a lawful manne.” (Quran, Shakir).

“When the waiting period of the divorced women has ended, you (her relatives) must not prevent them from marrying their (previous) husbands again if they might reach an honorable agreement.” (Quran, Muhammad Sarwar).

“And when you have divorced women and they have fulfilled the term of their prescribed period, do not prevent them from marrying their (former) husbands, if they mutually agree on reasonable basis.” (Quran, Dr. Mohsin Khan).

Something went wrong with us.

We Muslims seem to have lost our conscience.

We never think of the insult and pain of a victim of triple talaq. She lives such a vulnerable life, fearing she may lose her home right after marriage, after living her whole life to building her home, after giving birth to children, and after taking care of the home day and night. Our alims must protect her honor and rights by the Quran and Prophet (S).”

KILLING APOSTATES

Sources, Laws, and Cases

The law of killing apostates turns Islam to a mousetrap; you can enter but cannot leave.

An apostate (“Murtad” in Arabic) is a former Muslim by birth (Murtad Mitri) or by conversion (Murtad Mili). The Sharia law of killing apostates violates Article 18 of Universal Declaration of Human Rights that acknowledges every person’s right to change or abandon religions.¹

A famous critic of Islam claims that, “Islam has adopted a totally contradictory stance in this matter.² On the one hand, it says: ‘There is no compulsion in religion’ (Quran 2:256) and ‘Whosoever will, let him believe and whosoever will, let him disbelieve’ (Qur'an 18:30). On the other hand, it itself threatens to punish by death the person who renounces Islam and determines to move toward kufr.”³

This is simply not true. The author got mixed up between Sharia law and Quran/Prophet. Let’s consider the law, the Quran, and Prophet (S) now.

¹ Universal Declaration of Human Rights, United Nations, <http://www.un.org/Overview/rights.html>, last accessed 27 Apr 2017.

² IBN WARRAQ, LEAVING ISLAM.

³ ABUL ALA MAWDUDI, THE PUNISHMENT OF THE APOSTATE ACCORDING TO ISLAMIC LAW, translated by Syed Silas Husain and Ernest Hahn, (1994), available at <http://answering-islam.org/Hahn/Mawdudi/>.

THE LAW

All five major schools of Sharia law stipulate the death sentence to apostates after a fixed time given to them for repentance.⁴ The exception is for female apostates, in which Hanafi law prescribes life-long imprisonment. Witness and rights to inherit are rejected for apostates and their marriage is dissolved.⁵ The Quran allows Muslim men to marry Christian and Jewish women, but Sharia law forbids a Muslim man from marrying a Muslim woman who converts to Christianity or Judaism. In Sharia law, it is also incumbent on every Muslims to kill apostates. Additionally, no trial is necessary and the killer is not to be sentenced to death.⁶ On 6 September 2008, the BBC reported that the Sudan Islamic hardliners beheaded Mohammed Taha, a newspaper editor, who had been tried in court for apostasy and was acquitted.⁷ Sudan: the same country where the great Islamic scholar Mahmoud Tahawas hanged for the charge of apostasy in 1985 by President Numeiri, a murder that was instigated by the Saudi Chief Imam, Bin Baaz.⁸ This is the same clergy that is responsible for legal ban on Saudi women driving or having a bank account.

Apostasy is discussed in detail with biographies of apostates in the book *Leaving Islam – Apostates Speak Out* by Ibn Warraq.⁹ Furthermore, Maolana Mawdudi, the founding father of modern political Islam, dealt with the issue in detail in his famous book, *The Punishment of the Apostate According to Islamic Law*.¹⁰ Mawdudi claims that, “the Qur'an and the Sunnah (the Prophet's Examples) offer no special explanation about these matters.” Below, we will see why that is not true.¹¹

Some recent proponents of Sharia law deceive the world by stating that an apostate must be killed only if s/he propagates her/his view in an Islamic state. That statement is not found in any Sharia law book. Lest we forget, there is a Sharia law that allows them to lie if the purpose promotes their agenda.

⁴ Hanafi, Shafi'i, Maliki, and Hanbali Law.

⁵ CODIFIED ISLAMIC LAW, Vol. 1 article 444, Vol. 3 page 844. Author note: It was not possible to make sure if Maliki law dissolves marriage of apostate wives.

⁶ CODIFIED ISLAMIC LAW, Vol. 1, Law# 72 and Clause # 14, Medina Charter.

⁷ Kidnapped Sudan Editor Beheaded (6 Sept 2006), BBC NEWS, <http://news.bbc.co.uk/2/hi/africa/5321368.stm>.

⁸ Writer of the visionary book, “THE SECOND MESSAGE OF ISLAM.”

⁹ Prometheus Books (edited by Ibn Warraq).

¹⁰ ABUL ALA MAWDUDI, *THE PUNISHMENT OF THE APOSTATE ACCORDING TO ISLAMIC LAW*, translated by Syed Silas Husain and Ernest Hahn, (1994).

¹¹ E.g., Bakara 217. See also Nisa 94 & 137; Imran 82, 86 & 106; Nahl 106; Tawba 66.

THE QURAN

The most significant Quranic verse about apostasy stipulates “Indeed, those who have believed then disbelieved, then believed, then disbelieved, and then increased in disbelief - never will Allah forgive them, nor will He guide them to a way.”¹²

Surely, the Quran kept the door of return open to apostates, as many apostates returned to Islam. Killing apostates is a clear violation of several verses throughout the Quran as its references to apostates never stipulate any worldly punishment but rather refer to Allah (God)’s ultimate punishment. This was not for human hands to ever carry out.¹³

Ibn Kathir¹⁴ and Mawdudi¹⁵ agree that 2:217 says apostates will be hurled “into the eternal torment in the Hellfire.” As seen in Sura 3:86, the Quran does not mention any punishment as was revealed when Harith left Islam.¹⁶

Mawdudi also quoted Tawba, claiming that the killing of covenant-breakers was “in no way can be construed to mean breaking of political covenants. Rather, the context clearly determines its meaning to be ‘confessing Islam and then renouncing it’. Thereafter the meaning of ‘fight the heads of disbelief’ can only mean that war should be waged against the leaders instigating apostasy.”¹⁷

Mawdudi is wrong. Those verses are not about apostasy but about non-Muslims who broke the peace treaty with Muslims.¹⁸ The Quranic Tafseer explains, “[verse 11] stipulates that no matter how much the Kafirs (unbelievers) torture Muslims, all their sins will be forgiven if they will become Muslims.... Verse 12 instructs us to fight the Kafirs if they betray us after promising and signing the treaty, furthermore, do not embrace Islam [emphasis added], but mock Islam.”

Some scholars argue that the root word “rad” of apostasy (Murtad, Ridda, Irtida, etc.) is an action to be inflicted on one-self, like the act of suicide. It must be acted upon by the person concerned. One can kill but cannot “suicide” others. An

¹² QURAN Chapter Nisa : 137

¹³ See e.g. QURAN 2:217, 3:82, 86, 106, 4:137, 9:66, 74, 16:106.

¹⁴ Jihad is Made Obligatory, Quran Tafsir Ibn Kathir,

http://www.qtafsir.com/index.php?option=com_content&task=view&id=197#1, last accessed 27 Apr 2017.

¹⁵ Towards Understanding the Quran, Islamic Studies, <http://www.tafheem.net/main.html>, last accessed 27 Apr 2017.

¹⁶ IBN HISHAM/IBN ISHAQ, SIRAT 384.

¹⁷ QURAN Chapter Tawba 11-12.

apostate is an apostate only when he or she declares it in clear words. In Nisa 94, the Quran categorically prohibits declaring another apostate (Takfir) if he or she offers the Islamic greeting.¹⁹ Mawdudi agreed, saying “the purport of the verse is that no one has the right summarily to judge those who profess to be Muslims, and assume them to be lying.” The implication that only Allah can do this. Not humans.

PROPHET

Having failed with the Quran, Mawdudi turned to the Hadiths and failed again. There were hypocrites who used to pretend to be Muslims to harm Muslims from within. Prophet (S) knew it well and there is a chapter in the Quran called “The Hypocrites.” Still, Prophet (S) complied with Nisa 94 and accepted an individual’s “Muslim-hood” based solely on their oral announcement as seen below:

“Narrated Hudhaifa: The Prophet said (to us), ‘List the names of people who have announced that they are Muslims.’ So, we listed one thousand and five hundred men. Then we wondered, ‘Should we be afraid (of infidels) although we are one thousand and five hundred in number?’ No doubt, we witnessed ourselves being afflicted with such bad trials that one would have to offer the prayer alone in fear.”²⁰

We have four records of apostasy in the Prophet’s time and his dealing with them. A Muslim came to him and declared his apostasy thrice. Prophet just kept silent. The apostate left Medina safe and sound.²¹

Harith, Ubaydullah, and Abdullah ibn Sa’d ibn Abi Sorah left Islam in Prophet’s (S) time, and nobody was punished.²² Sa’d ibn Abi Sorah was appointed as the Governor of Egypt in Othman’s time.

¹⁸ By Mawlana Mufti Muhammad Shafi, translated to Bangla by Mawlana Muhiuddin Khan.

¹⁹ Quran, chapter Nisa : 94.

²⁰ Sahi Bukhari, Vol. 4, BOOK 52, NUMBER 293.

²¹ Sahi Bukhari, Vol. 9, Book 89, Number 318.

²² IBN HISHAM/IBN ISHAQ, SIRAT 527, 550.

TERTIARY SOURCES

Yes, there are documents that show Muslims did kill apostates in the past.²³ Many of those documents are vague and do not record incidents with details regarding names or places. Hadiths, such as, “Whoever changes religion is to be killed,” is problematic because it supports the killing converts to Islam from other religions. The inclusion of apostates in one of only three categories (adultery, apostasy and murder) who must be killed is an over-generalization. Mawdudi quoted eight such Hadiths. his quote of killing a female apostate, from Imam Bayhaqi, even fails to record the correct name of the woman. In Hanafi Law women apostates are to be imprisoned, and Imam Abu Hanifa is surely more authentic because he was (7th century Iraq) alive much earlier than Bayhaqi (13th century Iran). The flaw of Bayhaqi is aptly shown by reputed progressive Islamic scholar Dr. Javed Ghamidi.²⁴

It is shocking to see that political Islamists conveniently violate their own assertion that the Quran wins over Hadith if there is conflict.

It’s also shocking to see that both political Islamists and Islam-bashers quote the same sources to legitimize killing apostates.²⁵ If they were true, then we would have to believe that the Prophet acted against the Quran; that is absurd. Although Sharia Law stipulates killing apostates and forces us to accept past Imams’ or scholars’ personal interpretations,²⁶ we have every right to accept or reject partially (or totally) any source except the Quran.

Mawdudi also tried to use Omar, and especially the battles of Abu Bakr against some tribes, in support of his argument because, as he claims, they left Islam. However, history records that the main battles were fought against Muslim tribes, such as Banu Yarbu, who refused to give the Islamic tax to Abu Bakr’s government.²⁷ They have secondary documents in their support to believe that Abu Bakr’s rule was illegitimate; the Prophet’s intention was to leave the leadership to Ali.²⁸

Mawdudi said, “if doubts arise even about such matters which are supported by such a continuous and unbroken series of witnesses, this state of affairs will not be confined to one or two problems. Hereafter, anything, whatever of a past age which has come

²³ E.g., Sahi Hadithes, Tarikh Al Tabari, Vol. 10.

²⁴ Al-Mawrid: A Foundation for Islamic Research and Education, <http://www.al-mawrid.org/>, last accessed 27 Apr 2017.

²⁵ From “Answering Islam – Silas.”

²⁶ Imam Shafi’i book RELIANCE OF THE TRAVELLER (.F1.3 and o.8.0), translated by Nuh Ha Mim Keller, Amana Corporation, (Revised edition, 1997).

²⁷ TAREK FATAH, CHASING A MIRAGE: THE TRAGIC ILLUSION OF AN ISLAMIC STATE, John Wiley & Sons, (2008).

²⁸ Prophets’ speech in the Field of Gadeer, his wish in death bed to write an instruction that Omar did not allow, his oral instructions from death bed that the companion “forgot”, oppression on Ali and Fatima after Prophet and other documents.

down to us through verbal tradition will not be protected from doubt, be it the Qur'an or ritual prayer (namaz) or fasting (roza). It will come to the point that even Muhammad's mission to this world will be questioned.”²⁹

Actually, he himself has contradicted the Quran over the mission of Muhammad (see Chapter “What Is Islam?”). He also denied the fact that protests against this law have always existed. A Sicil Record of 1728 from Sharia courts of the Ottoman Caliphs shows that the court only dissolved the marriage, but did not give the death sentence to apostate Ibrahim Bese, who “cursed” Islam as confirmed by two witnesses.³⁰ Similar cases were found in India as well. In the 1930s, a group of women declared apostasy to get their marriage with oppressive husbands dissolved. No one killed or imprisoned them. Unfortunately, the famous Mawlana Ashraf Ali Thanvi did not address the oppression, but rather consulted with Middle Eastern clergies and applied Maliki law which does not dissolve marriage of apostate wives. The Quran and Prophet severely warned against overdoing the faith or forms of extremism in the faith.³¹

However, Mawdudi claimed to save his proposed “Islamic State” by the following methods:

“(To) notify the Muslim population in the area where an Islamic revolution occurs that people who in belief and practice have defected from Islam and wish to remain as defectors should formally disclose their non-Muslim identity and leave our social order within a year from the date of the notification. After this period, all those who are born of Muslim lineage will be considered to be Muslim, they will be subject to all Islamic laws, they will be compelled to perform the religious duties and obligations, and then whoever steps outside the fold of Islam will be executed. Following this announcement utmost effort should be made to save as many sons and daughters born of Muslims as possible from the lap of kufr. Then whoever cannot be saved by any means should be cut off and cast away, sadly but firmly, from his society forever. After this act of purification, a new life for Islamic society may begin with only those Muslims who are dedicated to Islam.”³²

If such a horror is not anti-Islamic, what is?

²⁹ ABUL ALA MAWDUDI, THE PUNISHMENT OF THE APOSTATE ACCORDING TO ISLAMIC LAW, translated by Syed Silas Husain and Ernest Hahn, (1994).

³⁰ AMIRA EL AZHARI SONBOL, WOMEN, THE FAMILY, AND DIVORCE LAWS IN ISLAMIC HISTORY PAGE 119, Syracuse University Press, (1996).

³¹ Quran chapter Nisa :171. See also Maida 77 and Last sermon of the Prophet.

³² ABUL ALA MAWDUDI, THE PUNISHMENT OF THE APOSTATE ACCORDING TO ISLAMIC LAW, translated by Syed Silas Husain and Ernest Hahn, (1994).

TAQFIR - LABELING OTHERS “APOSTATES”

This law and the cultural branding of others as apostates (Taqfir) impacted Muslim societies devastatingly. Political Islamists have used these weapons to eliminate all kinds of opposition and any progressive, pluralistic views about Islam. They have victimized almost all our past and present scientists, philosophers, scholars, and even jurist Imams. This practice has exploded in recent years. Dr. Al Fawzan, a member of the Senior Council of Clerics, Saudi Arabia's highest religious body, and author of country's religious curriculum, says, "Slavery is a part of Islam....Muslims who contend Islam is against slavery are ignorant, not scholars....Whoever says such things is an infidel."³³ He also suggested that liberal Muslims are not real Muslims.³⁴ The Muslim world is full of clergy like Mufti Amini of Bangladesh, infamous for their habit of threatening others as apostates. Even in Canada in 2003, the brochure of the Sharia court claimed that a Canadian Muslim would be apostate if s/he went to Canadian court instead of the Sharia court.³⁵ This Sharia Court, the very first to function legally in West since 1991, was banned along with all other faith-courts in 2005 by the Ontario government due to strong protest from Muslim Canadian Congress, Canadian Council of Muslim Women, and International Campaign Against Canadian Sharia Court.

The good news is that many Islamic organizations, some Muslim States, and some leaders of Political Islam, are now denying that this law as Islamic in nature.³⁶ This is due to century-long, tireless campaigning by progressive Muslims, but we still have miles to go before we sleep. What all good Muslims should do is help the process of promoting freedom of and from religion in all Muslim societies.

³³ Saudi Sheik: 'Slavery is a Part of Islam' (10 Nov 2003), WORLD NET DAILY, http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=35518.

³⁴ Reuters, Edict Against Liberals Raises Violence Fears (9 July 2007), GULF NEWS, <http://web.archive.org/web/20070712095256/http://archive.gulfnews.com/articles/07/07/09/10138030.html>.

³⁵ Ibid at Chapter 2 for a photo of the group's brochure.

³⁶ E.g., Council on American Islamic Relations (CAIR), Dr. Jamal Badawi, Dr. Yusuf Qarzavi, Mubin Shaikh of Canada, Shah Abdul Hannan.

Some Muslim clergies translate and interpret chapter 7 and verses 172-173 to claim that each person is born a Muslim, then their parents or environment turns many of them into followers of other faiths. They also cite Prophet's same claim in Hadith.³⁷ They don't realize that this claim turns all non-Muslims, the majority of humankind, to apostates – worthy of killing. These are the reasons that engender Islamophobia around the world.

³⁷ Sahih Muslim, Book 033, Number 6426.

THE SHARIA-IMPOSED MATH OF PUNISHING RAPE VICTIMS

Nowhere did the Quran and Prophet reject women's witness in any case; rather, Prophet executed a rapist solely based on the victim's witness. Yet so many blooming flowers have been torn down.¹ In Pakistan, similar cases include *Mina v. the State*, *Bibi v. the State*, and *Bahadur v. the State*.² Sharia courts in Pakistan have punished thousands of raped women by long-term imprisonment. It became so chronic that raped women stopped reporting to police.³

When the same thing happens in different places at different times, there must be a traceable mechanism behind it. Let's look at that in Sharia law. Please note that rape is included in Hudood cases and any change in Hudood is not allowed.⁴ Another key element of all Hudood laws is that only eye-witness accounts are acceptable and no circumstantial evidence is considered.⁵ Added to that, Sharia law at times protects rapists just by monetary punishment, as seen in the following:

- The punishment is waived for any reason, the rapist is to pay the victim an amount equal to bride-money of marrying a girl at the same social level.⁶
- The rapist cannot be punished for any reason, he will pay the victim the amount equal to bride-money.⁷ (There is no answer about why a rapist cannot be punished or what to do if he is too poor to pay.)

¹ Stoning Victim 'Begged for Mercy' (4 Nov 2008), BBC NEWS, <http://news.bbc.co.uk/2/hi/7708169.stm>. See also The Daily Star of Bangladesh (24 January 2010, 4 April 2006, 26 Feb 2010). Ziba Mir-Hosseini and Vanja Hamzic, *Women Living Under Muslim Laws, CONTROL AND SEXUALITY: THE REVIVAL OF ZINA LAWS IN MUSLIM CONTEXTS* 7 (2010). See also Raheel Raza, *Islamism's War Against Women* (23 Sept 2011), The Commentator, http://www.thecommentator.com/article/464/islamism_s_war_against_women. See also Nick Paton Walsh, *Jailed Afghan Rape Victim Has Sentence Reduced, Remains in Jail* (24 Nov 2011), CNN, http://www.cnn.com/2011/11/23/world/meast/afghan-rape-victim/index.html?hpt=hp_c2.

² Julie Norman, *Rape Law in Islamic Societies*, CSID 6th Annual Conference, (2005), available at https://www.csionline.org/documents/pdf/6th_Annual_Conference-JulieNorman.pdf.

³ ANNUAL REPORT (May 2004), National Commission on the Status of Women in Pakistan, THE US COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM, available at <http://www.uscirf.gov/sites/default/files/resources/stories/PDFs/annualreport2004may.pdf>.

⁴ MAWLANA MAWDUDI, *THE ISLAMIC LAW AND CONSTITUTION* 140, (Islamic Publications, 1977).

⁵ CODIFIED ISLAMIC LAW 600, (Vol. 2).

⁶ RELIANCE OF THE TRAVELLER (Shafi'i Law m.8.10), translated by Nuh Ha Mim Keller, Amana Corporation, (Revised edition, 1997).

⁷ CODIFIED ISLAMIC LAW Vol. 1 – page 301.

The Quran does not mention rape and severely prohibits adultery (Zina). Sadly, rape is considered as Zina in Sharia law because, even though forced on the victim, sexual relations “between a man and woman not married to each other” have taken place. The Sharia law of rape states that “the rapist will be punished to death if force on the victim is proven.”⁸

So far so good. Then the problem starts with proof of rape.

1. Sharia Law rejects the witness of women in Hudood cases (robbery, theft, murder, causing injury, rape, drinking, defaming and apostasy).⁹
2. “Proof of Zina (adultery) or Zina Bil-Jabr (rape) liable to Hadd shall be one of the following: (a) The accused makes confession, or (b) There are at least four Muslim adult male witnesses.”¹⁰
3. “Proof of adultery or rape liable to Hadd shall be one of the following: (a) The accused makes confession, or (b) There are at least four Muslim adult male witnesses.”¹¹
4. “Punishment will take place when Zina or rape has been proved by witness.”¹²
5. “The evidence of women is originally inadmissible on account of their weakness of understanding; weak memory and incapacity of governing.”¹³

⁸ CODIFIED ISLAMIC LAW 134, (Vol. 1). See also RELIANCE OF THE TRAVELLER (Shafi’i Law o.7.3), translated by Nuh Ha Mim Keller, Amana Corporation, (Revised edition, 1997).

⁹ Hanafi Law 176, 353. See also Shafi’i Law 638 o.24.9; M. MANZOOR ALAM, CRIMINAL LAW IN ISLAM AND THE MUSLIM WORLD 251, 16, Institute of Objective Studies, (1996). MUHAMMAD IQBAL SIDDIQI, THE PENAL LAW OF ISLAM 44-45, Kazi Publications, (1979); Tafsiir of Translation of the Qura’an by Muhiuddin Khan 239, 928.

¹⁰ Pakistan Hudood Ordinance VII of 1979 amended by Ordinance XX of 1980.

¹¹ CODIFIED ISLAMIC LAW 133, (Vol. 1).

¹² CODIFIED ISLAMIC LAW 135, (Vol. 1).

¹³ MUHAMMAD IQBAL SIDDIQI, THE PENAL LAW OF ISLAM 44-45, Kazi Publications, (1979).

Such “proofs” are almost impossible to obtain and circumstantial evidence in Hudood cases is not accepted either. On the other hand, “sex outside marriage” is proven by the victim’s physical scars or pregnancy. Then the laws of stoning to death for married victims and/or flogging and/or exile for the unmarried takes place.¹⁴

A rapist has simply to deny the crime and get away scot free. As the New York Times reports, “Ms. Lawal, a divorced woman, identified a man as the father of her child. The man denied the charge, swore on the Koran, and was deemed innocent by the trial court. No one suggested DNA tests.”¹⁵

But DNA tests have no place in Hudood laws either. The BBC reported that Zafran Bibi of Pakistan “went to the police to register a case of rape, but she herself was instead sentenced to death for having an adulterous affair.”¹⁶ About conducting a DNA test to identify the rapist, the Dawn, a Pakistani news outlet reports, “Justice Ali Nawaz Chauhan of the Lahore High Court has observed that the DNA test is not acceptable as evidence to establish the offence of Zina under the Hudood laws which require a direct testimony in such cases....”¹⁷

This is how Sharia law punishes raped women. There has never been a concerted and effective effort to end this barbaric law. The screams of little Aisha Duhulowa, Hena, and other rape victims of Sharia law will echo around the world and obstruct the progress of the Muslim world until this is abolished.

Can it be done? Is there a way out?

Yes, there is.

Nowhere does the Quran or the Prophet reject a woman’s witness in any case. In fact, the Prophet executed a rapist solely based on the victim’s witness as seen here:

¹⁴ Hanafi Law Hedaya 178. See also CODIFIED ISLAMIC LAW 129, (Vol. 1); Sunan Abu Dawood Book 38-4451 & 4423.

¹⁵ Originally cited on NY Times online, NYTimes.com.

¹⁶ Zafran Bibi, BBC: WOMAN’S HOUR (6 Jun 2002), http://www.bbc.co.uk/radio4/womanshour/03_06_02/thursday/info1.shtml.

¹⁷ DNA Test Rejected in Adultery Case: LHC Verdict (21 May 2005), DAWN, <http://www.dawn.com/2005/05/21/top4.htm>.

“When a woman went out in the time of the Prophet (PBUH) for prayer, a man attacked her and overpowered (raped) her. ... [H]e said: Stone him to death.”¹⁸

Why, then, O Muslims?

Pakistan recently abandoned this law after victimizing thousands of rape-victims for decades.¹⁹

¹⁸ Abu Dawood, Book 38, Number 4366, narrated by Wa'il ibn Hujr.

¹⁹ Pakistan Set to Change Islamic Rape Laws, in Strategic & Foreign Affairs (3 August 2006), <https://defence.pk/pdf/threads/pakistan-set-to-change-islamic-rape-laws.1680/>.

**WOMEN DO HAVE EQUAL RIGHT
TO DIVORCE IN ISLAM**

The Quran and Prophet never forced a woman to continue her unhappy marriage. Rather, it is just opposite. Both the Quran and Prophet gave women absolute right to end their unhappy marriages on their own without depending on anybody, even if it goes against Prophet's wish. Many of the sorry states of parts of the Muslim world are rooted in violation of these rights of women.

Dr. Suhaib Hasan, one of the senior Judges of Sharia Courts in the UK, said in an interview with the Financial Times¹ that a Muslim male can divorce his wife by simply saying "I divorce you," preferably in front of two witnesses, but the wife must apply to the Sharia court for divorce.² If there is no proven reason, such as a husband's impotency, torture, or etc., then the Sharia court would negotiate with the husband for his "approval" to divorce. While Dr. Hassan only echoed the views of radical Islamists around the world, this is one of the most inhumane Sharia laws against women, ultimately turning wives into virtual slaves. Sharia law allows a Muslim husband to divorce his wife/wives instantly and, in such case, she gets no maintenance (some Sharia-supporters recently abandoned this law). In only three steps, the husband can divorce her without even showing a reason.³ Sharia law dictates that before completion he is permitted to cancel the divorce and continue marriage "even if the wife does not want to continue."⁴

¹ First Person: Dr. Suhaib Hasan, Financial Times (18 Sept 2009), <https://www.ft.com/content/9064931e-a0f6-11de-a88d-00144feabdc0>.

² Note the Quran warrants two witnesses in Chapter Twalak verse 2.

³ Hanafi Law Hedaya 81, 523. See also Shafi'i Law # n3.2, n3.5 (Instant but not under compulsion). See also MAWLANA ASHRAF ALI THANVI, DEEN KI BNATE 254 Laws 1537, 1538, 1546 and 2555, available at <https://web.archive.org/web/20110720102916/sunnipath.com>.

⁴ CODIFIED ISLAMIC LAW 352, (Vol. 1).

The Sharia law is called Khul and it states: “In law it signifies an arrangement entered into for the purpose of dissolving a connubial connexion [sic], in lieu of a compensation paid by the wife to her husband out of her propert.” A release for payment means a separation in return for remuneration given to the husband.⁵

It is inherent in a woman to try her best to save her home from breaking. When she wants a divorce, it means that she had already suffered a lot and now her back is on the wall. Husband is in full control to delay the verdict. After applying to the Sharia court for divorce the poor wife must continue working, housekeeping, maintaining the kitchen, taking care of her kids, and living with the same husband in the same house until the divorce is complete. How long could the Sharia court take to come to a decision? Here is a quote from Malaysia: “one woman who had to wait seven years before her plea for a divorce was heard in a Sharia court. In the meantime, her husband had started a new family while refusing to give her a divorce. This is just one of many cases.”⁶

Is that Islam?

At times, the wife becomes the victim of familial and social outcast. During the negotiation, the husband normally puts a financial stipulation and other conditions to his “approval,” such as giving up her right of maintenance, custody of children, share of property, and etc. In many cases, the helpless wife has to accept those conditions. This law essentially turns a Muslim wife to a virtual slave to her husband. In fact, Imam Shafi’ and Imam Gazzali quoted Imam Shafi’I saying such thing, “In marriage a woman enters into virtual slavery of her husband.”⁷ This nightmare happens not only in the Muslim world but also throughout Muslim societies in the West.⁸

⁵ Hanafi Law 112. See also Shafi’i Law # n.5.0, n7-7 & w-52-1-253-255, ABDUR RAHMAN DOI, SHARIA: THE ISLAMIC LAW 235, Ta Ha Publishers, (1981), and CODIFIED ISLAMIC LAW 355, (Vol. 1).

⁶ MUSLIM WOMEN’S NEWSLETTER 10(55), Institute of Islamic Studies India, (Oct. 2011).

⁷ GAZZALI, EH-HIYA ULUM AL DEEN, Dar Al Kotob Al Ilmiyah (Vol. 2, 2008).

⁸ Marina Jimenez, A Muslim Woman’s Sharia Ordeal (8 Sept 2005), The Globe and Mail, <http://www.theglobeandmail.com/news/national/a-muslim-womans-sharia-ordeal/article18247680/>.

The law of Khul is an upfront violation of women, justice, the Quran, and Prophet. The Prophet upheld women's right to divorce even when it went against his own wish. Let us look at some references:

1. "Narrated Ibn 'Abbas: *Barira's husband was a slave called Mughith, as if I am seeing him now, going behind Barira and weeping with his tears flowing down his beard. The Prophet said to 'Abbas, "O 'Abbas! Are you not astonished at the love of Mughith for Barira and the hatred of Barira for Mughith?" The Prophet then said to Barira, "Why don't you return to him?" She said, "O Allah's Apostle! Do you order me to do so?" He said, "No, I only intercede for him." She said, "I am not in need of him."*"⁹

The explanatory section of the Quran says, "Barira knew that the Prophet would not be upset, so she said in clear words –'I am not taking your plea.' Prophet happily allowed her to stay as she wanted."¹⁰

2. Narrated 'Aisha: *"Three traditions were established concerning situations in which Barra was involved: When she was manumitted, she was given the option to keep her husband or leave him."*¹¹
3. Narrated Ibn 'Abbas: *"The wife of Thabit bin Qais bin Shammas came to the Prophet and said, 'O Allah's Apostle! I do not blame Thabit for any defects in his character or his religion, but I am afraid that I (being a Muslim) may become unthankful for Allah's Blessings.' On that, Allah's Apostle said (to her), 'Will you return his garden to him?' She said, 'Yes.' So she returned his garden to him and the Prophet told him to divorce her."*¹²
4. *"A young woman came to the Holy Prophet (PBUH) and said- 'my father has married me with his brother's son.....The Holy Prophet (PBUH) left the decision to her..."*¹³

In Islam, a woman's consent is mandatory in marriage.

⁹ Sahi Bukhari, VOL. 7, NUMBER 206, TRANSLATED BY Dr. Muhsin Khan, Medina University.

¹⁰ QURAN 271 (page). (From Bengali translation printed in Saudi Arabia.)

¹¹ Sahi Bukhari, Vol. 7, No. 202.

¹² Sahi Bukhari, Vol. 7, No. 199.

¹³ Sahi Ibn Majah, Vol. 3, No. 1874.

5. Narrated Abu Huraira: *“The Prophet said, ‘A matron should not be given in marriage except after consulting her; and a virgin should not be given in marriage except after her permission.’”*¹⁴

If marriage cannot take place without women’s consent, it cannot continue without her consent either. One of the major reasons for the backwardness of Muslim societies is that these misogynistic laws do not allow women to grow and live as confident, enlightened complete human beings. Look at the following:

*“Ye are forbidden to inherit women against their will. Nor should ye treat them with harshness, that ye may take away part of the dower ye have given them, except where they have been guilty of open lewdness.”*¹⁵

The word “dower” (bride money) conclusively proves that this verse is refers to the rights of wives. The meaning is so unequivocal that many scholars, even Sharia-stalwarts such as Dr. Jamal Badawi, are forced to admit that this verse talks about wives.¹⁶ Many of them translate the Quranic verse to read, “It is not lawful for you to try to hold your wives against their will.”¹⁷ It can be seen that the Quran is consistent about the directive, even when it comes to the wives of Prophet himself, as seen here:

*“O Prophet! Say unto thy wives: If ye desire the world's life and its adornment, come! I will content you and will release you with a fair release.”*¹⁸

The Prophet’s wife confirmed this dictum here: *“Narrated Aisha: Allah's Apostle gave us the option (to remain with him or to be divorced) and we selected Allah and His Apostle.”*¹⁹

¹⁴ Sahi Bukhari, Vol. 7, No. 67.

¹⁵ QURAN 4:19 (Yusuf Ali).

¹⁶ Dr. Jamal Badawi, Gender Equity in Islam, available at <http://www.scribd.com/doc/4931814/Gender-equity-in-islam-By-Jamal-Badawi>.

¹⁷ Feminist, Crescent life, http://www.crescentlife.com/thisthat/feminist%20muslims/4_34.htm.

¹⁸ QURAN 33:28 (Pickthal).

¹⁹ Sahi Bukhari, Vol. 7, No. 188.

It is due to such laws, applied by radical Islamists that engender Islamophobia, destroy women's lives and give Islam a bad name. The time is high to give a clarion call to all right-thinking Muslims to abandon these distorted interpretations of our scriptures. With the correct understanding, women will automatically be accorded their rightful place in society and justice will be served, as sanctioned by the Quran and our Prophet. Egypt has already taken the lead in this matter by enacting a law that gives women the right to divorce by submitting the bride money.²⁰

We hope that the Muslim world will soon follow this lead.

²⁰ Amendments on the Egyptian Divorce Laws, THE EGYPT ELECTIONNAIRE, <http://egypt.electionnaire.com/issues/?id=3>, last accessed 27 Apr 2017.

FEMALE GENITAL MUTILATION: CULTURAL OR ISLAMIC?

According to The World Health Organization (WHO) more than 200-million girls and women across the globe have been horrendously abused by female genital mutilation (FGM).¹ Female Genital Mutilation comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons and provides no health benefits. It is internationally recognized as a human rights violation.²

“Female genital mutilation is classified into four major types:

- *Type 1 – Clitoridectomy: partial or total removal of the clitoris (a small, sensitive and erectile part of the female genitals) and, in very rare cases, only the prepuce (the fold of skin surrounding the clitoris).*
- *Type 2 – Excision: partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora (the labia are “the lips” that surround the vagina).*
- *Type 3 – Infibulation: narrowing of the vaginal opening through the creation of a covering seal. The seal is formed by cutting and repositioning the inner, or outer, labia, with or without removal of the clitoris.*
- *Type 4 – Other: all other harmful procedures to the female genitalia for non-medical purposes, e.g. pricking, piercing, incising, scraping and cauterizing the genital area.”³*

¹ Raheel Raza, Female Genital Mutilation: A Barbaric Practice Still Practiced Globally, HUFFINGTON POST-CANADA (26 Feb 2015), http://www.huffingtonpost.ca/raheel-raza/female-genital-mutilation_b_6620978.html.

² FGM, FORWARD: SAFEGUARDING RIGHTS & DIGNITY, <http://forwarduk.org.uk/key-issues/fgm/>.

³ Id.

In May 2010, when the American Academy of Pediatrics suggested that American doctors be given permission to perform the ceremonial pinprick or “nick” on girls from these types of “cultures,” it sent shock waves throughout the human rights world. The decision was made only in order to keep the girls’ families from sending them overseas for the full circumcision because of “a culturally sensitive context.”⁴

Needless to say, if permitted, they will not do it free.

Money really talks.

The oppression of women in the name of religion has many facets. In Cameroon, Western and Central Africa, including Chad, Togo, Benin, and Guinea-Conakry, mothers press hot stones onto the breasts of adolescent girls to suppress their growth. Even the victims themselves think it is good for them; it will help them avoid sexual harassment and rape. This process has many side effects, including severe pain and abscesses, infections, breast cancer, and even the complete disappearance of one or both breasts.⁵

That is, of course, a local practice of all faiths and has nothing to do with Islam. Female genital mutilation (FGM), however, is different. According to the WHO, FGM victimized at least six thousand women every day in 1999, and many Muslims believe that it is a requirement in Islam.⁶ No other faith law victimizes such a high number of women. The process is not like the cutting off extra skin, as in the case of circumcision of men. FGM is removing a vital part of the body, the part with a specific function on which women’s natural physical pleasure depends. That is why it is hard to stop the bleeding when it is cut off.

Now get ready for a bumpy ride.

⁴ Pam Belluck, Group Backs Ritual ‘Nick’ as Female Circumcision Option (6 May 2010), THE NEW YORK TIMES, <http://www.nytimes.com/2010/05/07/health/policy/07cuts.html>. See also American Academy of Pediatrics, <https://www.aap.org/en-us/Pages/Default.aspx>.

⁵ Protect Young Women and Girls from Breast Ironing in Cameroon, Care2, <http://www.thepetitionsite.com/takeaction/120040191>, last accessed 27 Apr 2017. See also ‘Breast ironing’ to stunt girls’ growth widespread, RedFlagDeals, <http://www.redflagdeals.com/forums/archive/index.php/t-309953.html>, last accessed 27 Apr 2017.

⁶ Report, World Health Organization (1999).

Waris Dir, one of the “fashion world’s most stunning women,” described the process as it was carried out on her. She now works with WHO and other organizations combating the practice.⁷ Her story is paraphrased below:

“And since the prevailing wisdom is that there are bad things between a girl’s legs, a woman is considered dirty unless those parts are removed. Then the wound is stitched shut, leaving only a small opening (a practice called infibulations). Without it, the daughter will not make it onto the marriage market. The night before my circumcision, my family made a special fuss over me and I got extra food at dinner. Mama told me not to drink too much water or milk. I lay awake with excitement, until suddenly she was standing over me, monitoring.

The sky was still dark. I grabbed my little blanket and sleepily stumbled along after her. We walked out into the brush. ‘We will wait here,’ Mama said, and we sat on the cold ground. The day was growing lighter. Soon I heard the click-clack of the gypsy woman’s sandals ‘Sit over there,’ she motioned towards a flat rock. Mama positioned me, sat behind me, and pulled my head against her chest. I circled my arms around her thighs. She placed a root from an old tree between my teeth. I was frozen with fear. The gypsy fished out a broken razor blade. I saw dried blood on it. Then she spit on it and wiped it on her dress. Mama tied a blindfold over my eyes. The next thing I felt was my flesh being cut off from my body. I heard the blade sawing back and forth through my skin. The feeling was indescribable. My legs began to quiver and shake uncontrollably.

Soon I passed out.

When I woke up, I saw the gypsy woman had piled a stack of thorns from an acacia tree. She used these to puncture holes in my skin, then poked a strong white thread through the holes to sew me up. The pain was so intense that I wished I

⁷ Ibid.

would die until I opened my eyes and the woman was gone. My legs had been tied together. I could not move. The rock was drenched with blood as if an animal had been slaughtered there. Pieces of my flesh lay on the top, drying in the sun. My mother and older sister Aman dragged me into the shade of a bush. A little hut was prepared under a tree where I would rest alone for the next few weeks.

After hours of waiting, I was dying to relieve myself and use the bathroom. But the first drop stung as if my skin was being eaten by acid. The only opening left was a minuscule hole the diameter of a matchstick. As the days dragged on I became infected and ran a high fever. I continued to fade in and out of consciousness. Mama brought me foods and water for the next two weeks. I was lucky. Many girls die from bleeding to death, shock, infection or tetanus (where a rusted piece of metal gives a horrendous infection into a person).

I still struggle with various health problems.

And I will never know the pleasure of sex.”

This type of horrific violence against Muslim women has even been given a cloak of medical respectability because most urban FGM acts in Egypt are carried out by medical doctors. It is amazing to see that the first serious and effective steps against FGM were taken not by a Muslim, but Rüdiger Nehberg, a non-conformist Human Right Activist. After struggling for many years with this issue, his organization, TARGET, organized a conference under the patronage of the Egyptian Great Mufti Ali Gomaa at Al-Azhar University in Cairo in 2006.⁸ The Medical News Today reported:

“Muslim academics and scholars at a conference last month in Cairo, Egypt, said [FGM, a practice where] there is a partial or full removal of the labia, clitoris or both, is incompatible with Islam, and called for the governments of countries where the practice is common to make it

⁸ Mufti, Wikipedia.com, <https://en.wikipedia.org/wiki/Mufti> (last accessed 7 June 2017). Ali Gomaa, Wikipedia.com, https://en.wikipedia.org/wiki/Ali_Gomaa (last accessed 7 June 2017). Al Azhar Univeristy, TOP UNIVERSITIES, <http://www.topuniversities.com/universities/al-azhar-university> (last accessed 7 June 2017).

a crime, the New York Times reports.⁹ [T]he World Health Organization¹⁰ estimates that 100 million to 140 million women worldwide are circumcised. At least 90% of the women who undergo genital mutilation live in the developing countries—such as Djibouti, Ethiopia, Sierra Leone, Somalia and Sudan—while almost no woman undergoes this practice in Iran, Iraq and Saudi Arabia, according to UNICEF.”¹¹

However, the scholars did not even mention the theological strength of FGM, let alone proposing any counter-theology. How can you eliminate malaria while keeping the breeding places of mosquitoes intact or by denying its existence? The conference also failed to propose any socio-cultural action plan to educate people and clergies. Without such steps, no law can uproot faith-based crimes. The conference actually betrayed the issue by claiming that FGM has “no religious justification.” The Quran does not mention FGM but at least four Sharia laws and six Sahi Hadiths support FGM either tacitly or directly as the examples below display:

1. “Circumcision is obligatory for both men and women. For men, it consists of removing the prepuce of the penis, and for women, removing the prepuce (Ar. Bazr) of the clitoris.”¹²
2. Hanbalis hold that circumcision of women is not obligatory but merely Sunna, while Hanafis consider it a mere courtesy to the husband.¹³
3. Testimony (in Sharia courts) is not permitted if circumcision is not done without valid reason.¹⁴
4. List of Enormity by Ibne Hajar Haytami, reads, “Not getting circumcised, even after having reached puberty (is one of the enormities).”¹⁵

⁹ Amira El Ahl, Theologians Battle Female Circumcision, NY Times (6 Dec 2006), <http://www.nytimes.com/2006/12/06/world/europe/06spiegel.html>.

¹⁰ World Health Organization International, <http://www.who.int/en/>.

¹¹ Muslim Theologians At Cairo Conference Say Female Genital Mutilation Irreconcilable With Islam (11 Dec 2006), Medical News Today, available at <https://web.archive.org/web/20081221231900/http://www.medicalnewstoday.com/articles/58468.php>. See also Ibid note 6.

¹² Shafi'i Law Umdat Al Salik, e.4.3.

¹³ Ibid.

¹⁴ Hanafi law Hedaya page 363.

5. Narrated Abu Huraira: I heard the Prophet (S) saying, “Five practices are characteristics of Fitra: Circumcision, shaving pubic hair, cutting moustaches short, clipping nails, and depilating hair of the armpits.”¹⁶
6. “A woman used to perform circumcision in Medina. The Prophet said to her: ‘Do not cut severely as that is better for a woman and more desirable for a Husband.’”¹⁷
7. “The Messenger of Allah (may peace be upon him) said: ‘When anyone sits amidst four parts (of the woman) and the circumcised parts touch each other a bath becomes obligatory.’”¹⁸ “Taking bath is compulsory if circumcised parts of male and female touch each other.”¹⁹
8. “Narrated Aisha, Allah's Messenger (S) said: ‘When the circumcised parts bypass one another (i.e. have intercourse), taking of a bath is necessary.’”²⁰ This Hadith supports FGM by showing that both Prophet and his wife Aisha were circumcised.
9. While performing FGM, they utter, “Allah is Glorious, Muhammad is His Prophet. Let Allah keep us away from all sins.”²¹

The previous quotations and notes prove why many Muslims consider FGM as Islamic and thus protect it. Influential radical Islamic leaders, including Dr. Yusuf Qaradawi and some professors of Al Azhar University, support FGM. The famous Egyptian feminist Dr. Nawal El Saadawi is also a victim of FGM. She was removed from her job as the Director General of the Egyptian Health Ministry for stating that FGM was “punishment for being born as woman.”

¹⁵ SHAF'I LAW, Umdat Al Salik w.52.1 (368).

¹⁶ Sahi Bukhari, Vol. 7, No. 779.

¹⁷ Sunan Abu Dawūd, Vol. 3, No. 5251.

¹⁸ Sahi Muslim, Vol. 3, No. 0684, (last part of the Hadith).

¹⁹ Sahi Ibn Majah, Vol. 1, No. 608.

²⁰ Sahi Tirmidhi, No. 166, (ALIM CD ROM Version).

²¹ Draw Naoal 1980: 33-43 and Miles 1988: 88-89 -Source - Humayun Azad, NAREE, Agamee Prakashani, (1992).

We see that the FGM law is created based on Hadiths. The problem is that if any Muslim denies those Hadiths, then s/he instantly turns to an apostate because the Sharia law decrees, “Anyone who disregards the Hadiths is a Kafir (disbeliever).”²² Then, the Sharia law of killing apostates will be applied.

But this is sheer blackmailing – threatening people with death to accept their beliefs as the Islamic law. This is not a hyperbole; lots of Muslims have been killed for rejecting violent and wired Hadiths. I empathize with the fear of those Sharia supporters. Since Hadiths have been used to make so many discriminating laws against women, if people see the not-so-sahih face of Sharia inside the Sahih Hadiths, Sharia will fall. But there’s good news, the Turkish government has taken a step to pluck all those fake Hadiths out from the “Sahih” Hadiths. Once that is done, we’ll get a sanitized compilation of Hadiths and the abrogation of all those fake and violent Hadith will shake the terra firma of countless Sharia laws.

FGM is very difficult to eliminate because any effective opposition to it was not found in Islamic theology. It is refreshing to see that opposition to FGM is increasing in North Africa, especially in Egypt in regular TV shows. To eliminate this barbarity in the name of Islam, we must execute our right to accept or deny, totally or partially, any book except the Quran (which does not even mention FGM). Progressive Muslim scholars and Imams from around the world should be invited by the various governments to educate people through media. Then, and only then, will people be ready to end FGM.

It will be a long, hard struggle.

But we have no choice.

²² Almost all Sharia books. See also e.g., Bangla translation of Mawlana Muhiuddin 256, 743; MAWLANA ABDUR RAHIM, THE HISTORY OF HADITH COMPILATION 94.

WOMEN IN LEADERSHIP – PROHIBITED IN ISLAM?

The “Head of an Islamic State must be Muslim male.”¹

The legitimacy of this (Sharia law) is drawn from some Hadiths where Prophet is recorded to have said something opposing women leadership. All of those Hadiths are vague (no name, place, or incident mentioned) except only one.

“Narrated Abu Bakra: During the battle of Al-Jamal, Allah benefited me with a Word (I heard from the Prophet). When the Prophet heard the news that the people of the Persia had made the daughter of Khosrau their Queen (ruler), he said, ‘Never will succeed such a nation as makes a woman their ruler.’”²

Abu Bakra (Not Abu Bakar R, a close companion of the Prophet S) was a slave boy when Prophet (S) invaded Taif in 630 AD and faced strong resistance. Prophet declared that slaves would be free if they escaped from Taif. Bakra escaped and embraced Islam. Twenty-six years later, he emerged as an established man in Basra, Iraq, where the battle of Camel took place in 656 AD between Prophet’s wife, Ayesha R, and son-in-law, Ali R.

Ali won the battle, and Bakra told him this Hadith. Yet in other sources, we get that he had sent the Hadith to Ayesha.

This Sharia law was created mainly based on Hadith ahad (Hadiths reported by only one person). Therefore, this Hadith is fake for the following reasons:

1. “Allah benefited me.” However, he was not a leader. There is no scope for him to benefit anything.
2. Ayesha didn’t believe him as she fought the battle as the leader.
3. He did not fight against Ayesha.

¹ SHAFI’I LAW o.25.3(d). See also CODIFIED ISLAMIC LAW Vol. 3 - 900.

² Sahi Bukhari, Vol. 9, No. 219 & Vol. 5, No. 709.

4. He told this Hadith after Ayesha was defeated in the battle. Would he have told it had Ayesha been victorious? Surely not, because he had never told it to anyone in 24 years.
5. It is impossible that Prophet (S) told such an important statement, one that is eternally related to women-rights, only to Bakra and none else.
6. About a dozen sovereign Muslim queens ruled Muslim states throughout history. Many of them got approval of the Caliphs. Islamic leaders used to bless them in sermons at mosques and there were coins with some of their names engraved.³ So how would this have provided the grounds to bless those female leaders?
7. Lots of sources record that Bakra had earlier been punished during Omar's rule for falsely defaming a chaste lady of sexual misconduct.⁴ Therefore, Bakra was proven to be an unreliable source.

The Quran—in very clear terms—instructs readers to punish and reject witness of any person who makes false allegations of sexual misconduct against chaste women.⁵

Let us look at the forgotten Muslim queens, sovereign and successful.

1. Queen Sultana Raziya, India, coin in her name
2. Queen Turkan Khatun, Iran, sermon in mosques in her name
3. Queen Padisha Khatun, coin in her name.
4. Queen Absh Khatun, Iran, sermon in mosques and coin in her name.
5. Queen in Luristhan, Iran, name not available
6. Queen Tindu, place is debated
7. Queen Khadija, Maldives
8. Queen Mariyam, Maldives
9. Queen Fatima, Maldives
10. Queen Asma, Yemen
11. Queen Arwa, Yemen

³ FATIMA MARNISSI, *THE FORGOTTEN QUEENS OF ISLAM*, University of Minnesota Press, (1997).

⁴ E.g., MOHD ALI SYED, *THE POSITION OF WOMEN IN ISLAM*, State University of New York Press, (2004).

⁵ Quran Chapter Nur verse 4

12. Queen Shager Ed Durr, Egypt, sermon in mosques and coin in her name
13. Queen Fatima, Central Asia
14. Queen Shafiya, Indonesia
15. Queen Nur Nakiya, Indonesia
16. Queen Zakiya, Indonesia
17. Queen Kamalat Shah, Indonesia

The Quran mentions a non-Muslim queen of Saba.⁶ She embraced Islam but was not removed from the throne.⁷

Recently, Sharia-ists have slowly begun accepting women leadership. In Pakistan, the Sharia-Bolshevik Mawlana Mawdudi supported Ms. Fatima Jinnah in the national election against Ayub Khan in the 1960's. Women have become State-heads in Pakistan, Indonesia, Bangladesh, and recently in Mauritius. Sharia-Bolsheviks, such as Dr. Yousuf Qarzavi (and Dr. Jamal Badawi), have accepted women leadership.

Based on this, Bangladesh Khelafet Majlish proposed to the then Caretaker government to ban women-leadership constitutionally on 13 July 2008. Bangladesh Jamat-E Islami openly declared that women leadership is Haram (prohibited) in Islam, but later accepted two female prime ministers on the pretext of “circumstances.” That means they can allow the prohibited in Islam and again prohibit based on “circumstances.” This trend of Sharia-ists is dangerous, but not unexpected. Their audacity can really go far – up to the extent of abrogating Quranic verses, as we will see below:

“Any Quranic verse which contradicts the opinion of ‘our masters’ will be construed as having been abrogated.”⁸

⁶ Quran Chapter Naml verse 23

⁷ Quran Chapter Naml verse 44

⁸ Shah Abdul Hannan, The Daily Naya Diganta, and <https://web.archive.org/web/20150413022950/http://dev.dailynayadiganta.com/detail/news/14542>, last accessed 27 Apr 2017. AHMAD HASAN, THE DOCTRINE OF IJMA' IN ISLAM 16, Kitab Bhavan, (1992).

WHY UNRESTRICTED POLYGAMY IS ANTI-ISLAMIC

Arguments in support of polygamy in Muslim societies are fallacious and the way in which polygamy has been practiced is vehemently anti-Islamic. As is well known, Quran 3-4 permits (but does not encourage) Muslim men to marry up to four wives at one time. Sharia law then allows the husband to divorce any wife at any time, and none have the right to stop him or ask the reason. He may then marry again and divorce again. This cycle can be repeated endlessly, if the number of wives at any time is four or fewer. We have examples of men taking advantage of this and destroying women's lives. The reality is, a house full of co-wives is often filled with turmoil and the worst place for children to grow up. Supporters of polygamy use the following reasons:

1. The number of women is much higher than the number of men in the world.
2. The wife may be unable to bear children.
3. She may be too sick to do household work.
4. Polygamy is bad for men and good for Muslim women.¹
5. Women age faster, so men must be provided with more women for their "need."
6. The "need" of men is 99 times more than that of women.²
7. Polygamy is better than the Western system of unrestricted and consensual sex.

All those arguments are entirely fallacious.

¹ "A Comment on Polygamy - Aminah Assilmi," available at <https://endlessvideo.com/watch?v=4a4E-qRPaIQ>.

² HZ. ABDUL QADIR JILANI, GUNİYATUT TWALEBEEN 98, Idra Pegham-ul Quran, (1972).

Here is why:

Argument 1: “Number of women much higher.”

All recent estimates have shown that there are more men than women in the world.³

The WHO reports- “at birth on average, there are 105 males for every 100 females. Nature provides that the number of newborn males slightly outnumber newborn females because as they grow up, men are at a higher risk of dying than women not only due to sex differentials in natural death rates, but also due to higher risk from external causes (accidents, injuries, violence, war casualties).⁴

Then again, in many countries including Albania Bangladesh, Antigua, Azerbaijan, Barbuda etc. men in general outnumber women. This is true for Iran as well – “Woman and Her Rights” – Allamah Murtaza Mutahheri – page 247. At any age men never outnumber women by 400%; even two wives do not match the equation. So the argument of gender ratio does not stand.

Argument 2: “The wife may be unable to bear children.”

Fact: Infertility and sickness can happen to men also⁵, but wives are never allowed to have multiple husbands.

Argument 3: Wife may be too sick to do household work.

Fact: Having someone to do the housework cannot be a reason of polygamy; it may be the reason to hire a servant or housekeeper.

³ Data Query, UNITED NATIONS, <https://esa.un.org/unpd/wpp/dataquery/>, last accessed 17 April 2017.

⁴ http://www.searo.who.int/entity/health_situation_trends/data/chi/sex-ratio/en/

⁵ Harvey Simon, Infertility in men (17 December 2012), University of Maryland Medical Center, <http://www.umm.edu/health/medical/reports/articles/infertility-in-men>

Argument 4: Many women like having co-wives.

Fact: A home of multiple wives (with their kids) is often a hub of conflict and conspiracy and domestic turmoil.⁶

Argument 5: Women age faster, so men must be provided with younger women to fulfill their “needs.”

Fact: This is medically incorrect. In fact, women can remain sexually active into old age.⁷

Argument 6: The sexual need of men is “99 times” higher than that of women.

Fact: This is also false. Both men and women have strong needs and it is not medically possible to measure relative need. In Europe for example, the distribution of Viagra, a male impotency drug, has exploded among the male population.⁸

Argument 7: Polygamy is better than Western system of consensual and monogamous (1 partner) sex.

Fact: Polygamy does not prevent men from seeking sex outside marriage. Extramarital relationships within Islamic societies are not uncommon.

⁶ Rose McDermott and Jonathan Cowden, Polygyny and Violence Against Women, Emory Law Journal, <http://law.emory.edu/elj/content/volume-64/issue-6/articles-and-essays/polygyny-violence-against-women.html>,

⁷ Kalra, Gurvinder, Alka Subramanyam, and Charles Pinto, Sexuality: Desire, Activity and Intimacy in the Elderly (2011), Indian Journal of Psychiatry, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3267340/>

⁸ Dan Bilefsky, 'There has been a Viagra explosion in Spain' - Europe - International Herald Tribune (8 February 2007), NY Times, <http://www.nytimes.com/2007/02/08/world/europe/08iht-viagra.4525587.html>

FINDINGS

The first point is worth examining in more detail. Given that the ratio of men to women varies only marginally, even a maximum of two wives per man does not make sense. Arguing sex ratio demographics in support of polygamy has another weakness; multiple husbands for one woman would have to be accepted where men outnumber women. This would be unacceptable in any Islamic society. The Quranic justification for polygamy must be explained in another way rather than by sex ratio demographics.

The central issue of Quran chapter Nisa verses 2 to 6 is the protection of the interests of orphan girls. Polygamy is mentioned in verse 3, translated as, “If ye fear that ye shall not be able to deal justly with the orphans, marry women of your choice, two or three or four; but if ye fear that ye shall not be able to deal justly (with them), then only one, or (a captive) that your right hands possess, that will be more suitable, to prevent you from doing injustice.”⁹

One can logically ask what good it does to local vulnerable orphans if men marry other women from other places. Later, we will deal with Prophet’s examples to show that this is one of many patriarchal interpretations and translations of the Quran. Here is an enlightening record; the words vary slightly in different translations of Sahi Bukhari:

“When she was asked about the Ayat 4:3, Bibi Ayesha (RA) said: - ‘If the orphan girl is beautiful or rich, the guardian marries her without giving suitable bride money. But they do not do so if she is not beautiful or rich. This verse was revealed to stop this injustice’. When people approached the Prophet for some relaxation, verse 127 was revealed with clear instruction: ‘They ask thy instruction concerning the women say: Allah doth instruct you about them: And (remember) what hath been rehearsed unto you in the Book, concerning the orphans of women to whom ye give not the portions prescribed, and yet whom ye desire to marry, as also concerning the children who are weak and oppressed: that ye stand firm for justice to orphans.’”¹⁰

⁹ Quran An-Nisa 2 – 6.

¹⁰ Sahi Bukhari, No. 2428, (translated by Hafiz Abdul Jalil).

Obviously, verse 3 permitted polygamy strictly from among vulnerable orphan girls. Before we look at the mechanism of distorted translation, let's look at how Prophet dealt with the polygamy issue when it knocked on his daughter's door, twice.

- a. Narrated Al-Miswar bin Makhrama: *“Ali demanded the hand of the daughter of Abu Jahl. Fatima heard of this and went to Allah's Apostle saying, ‘Your people think that you do not become angry for the sake of your daughters as ‘Ali is now going to marry the daughter of Abu Jahl.’ On that Allah's Apostle got up and after his recitation of Tashah-hud. I heard him saying, ‘Then after I married one of my daughters to Abu Al-'As bin Al-Rabi' (the husband of Zainab, the daughter of the Prophet) before Islam and he proved truthful in whatever he said to me. No doubt, Fatima is a part of me; I hate to see her being troubled. By Allah, the daughter of Allah's Apostle and the daughter of Allah's Enemy cannot be the wives of one man.’ So ‘Ali gave up that engagement.”*¹¹
- b. *“I heard the Prophet (SA) saying from the Mimbar – ‘Hisham Mugeera proposed to me for the marriage of his daughter to Ali Ibne Talib. But I did not allow and I will not allow until Ali divorces my daughter Fatima. Because Fatima is part of my body; I hate what she hates and whatever hurts her hurts me.’”*¹²

Clearly, the Prophet and Fatima couldn't have objected to Ali's second marriage had unrestricted polygamy been allowed by the Quran. Now, let us look at the preceding verse 2 to understand how patriarchy has mistranslated the verse to oppress women. Please note that in Arabic the words “al” means “those particular” and “Nisa” means “female” of any age.

*“To orphans restore their property (when they come of age), nor substitute (your) worthless things for (their) good ones; and devour not their substance (by mixing it up) with your own. For this is indeed a great sin.”*¹³ (Verse 2).

¹¹ Sahi Bukhari, Vol. 5, No. 76 and Vol. 4, No. 342, (translated by Dr. Muhsin Khan). See also Sahi Bukhari, No. 2472, (translated by Hafiz Abdul Jalil).

¹² Sahi Bukhari 2473, translated by Hafiz Abdul Jalil.

¹³ QURAN 4:2.

This leaves no room to use verse 3 to justify marrying anyone other than orphan girls. This interpretation is also supported by other Qur'anic verses that tell us whom we can marry and whom we cannot.¹⁴ Scores of Islamic scholars support this view. The permission to marry more than one wife is in no way general in nature. The definite article "al" in "alnissa" must refer to Yatama, or orphan girls. Otherwise, only "nisa" would have been sufficient to convey the sense of generality of women. The stipulation of polygamy is once again pointed towards orphans in Quran 4:127.

1400 years have passed and Muslims in power have only strengthened the victimization of women by such Sharia laws. It is time to wake up and reclaim women's rights to monogamous families, as per Prophet and the Quran. "Ye are never able to be fair and just as between women, even if it is your ardent desire."¹⁵

¹⁴ E.g., Nisa 19, 20, 21, 22, 23, 24, and 25.

¹⁵ Quran 4: 129.

WIFE BEATING: A LITMUS TEST OF CIVILIZATIONS

What is wrong with us that we need to go to scriptures to evaluate if wife beating is allowed or not? Why we do not realize that it is simply violence to women?

In 2005, the world was traumatized with news. A wife in Iran appealed to the Sharia court to instruct her husband, who used to beat her every day, to beat her only once a week. Can a divine religion allow such barbarity? Family is the basic unit of human society – it must be peaceful. Wife beating destroys the peace and the kids grow up with distorted mentality. It also negates two cornerstone verses of the Quran – (1) “men and women are like each other's garments” (2:187) and (2) “Men and women are protectors of one another” (9:71). No garment beats another garment, nor does a protector beat the other.

Before we go to the Quran, let us look at the theological underpinnings that have legitimized wife beating.

- 1) Prophet commanded the following about wives: *“Give them food what you have for yourself, and clothe them by which you clothe yourself, and do not beat them, and do not revile them.”*¹
- 2) People complained to Prophet that men stopped beating their wives, and wives became unruly. Prophet allowed wife beating. When the wives protested it, Prophet said, “They are not the best among you.”² Clergies claim that the word “THEY” means the complaining wives. However, we Muslims are not told that the famous document of Allama Nawawi records that the word “THEY” means the husbands.³
- 3) Prophet said a husband would not be asked in hereafter why he had beaten his wife.⁴

¹ Abu Dawood 2139.

² Abu Dawood 2141.

³ AL-NAWAWI, RIYAD-US-SALIHEEN, Dar-us-Salam Publications, (Vol. 1, 1999) Hadith 279.

⁴ Abu Dawood 2142.

This is how the initial prohibition of wife beating ultimately reached impunity.

Now, let us turn to Quran 4:34. The Arabic of “beat them” is “Bidruhunna.” The root word of it is “Daraba.”

Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them (lightly). But if they obey you [once more], seek no means against them.

Consider the following:

1. Insertion of the word “lightly” in the translation shows the nervous translator trying to dilute the violence.
2. The Quran used the words “men” and women,” not “husband” and “wife.” That points to a social order rather than a family issue.
3. “Men in charge of women” is conditional and contextual to “they spend [for maintenance] from their wealth.” That is a social condition that does not exist anymore.
4. Chapter At-Tahreem 12 used the same root word “Qawaam” (in charge of) with reference to Mary who even didn’t have a husband.⁵
5. Patriarchy cleverly established the meaning of the words “devoutly obedient” as “obedient towards husbands.” Progressive scholars claim that it is “obedience to God.”
6. The words, “guarding in absence what Allah would have them guard,” points to sexuality. It is related to Prophet’s last sermon: “You (husbands) too have right over them (wives), and that they

⁵ See e.g. QURAN 66:12.

should not allow anyone to sit on your bed who you do not like. But if they do that, you can chastise them but not severely.”⁶

It is only natural that a husband does not open books but gets mad with an adulterer wife. We note the following:

1. An adult physically beating another adult is an obnoxious scenario and it also damages the kids’ psyche. It inculcates a veritable hatred in their minds towards the father.
2. Radical Islamists’ explanations such as “a gentle tap” or “beating by a toothbrush or handkerchief...never on the face...a symbolic measure than a punitive one” are nonsensical. It leaves open the question of why it is permitted at all. “A gentle tap” cannot save the marriage if verbal appeal and a cooling off period of sexual separation fail.
3. If obedience to Allah and Prophet is not to be forced, obedience to husbands cannot be forced either.
4. Husband can be disobedient also – what about that?
5. The mess in Muslim world is created by men; not women. The wife may be dean of a university and her husband may be an ignorant bigot. That is why an open license to all husbands to beat wives cannot be allowed.
6. The very next verse reads⁷: “And if you fear dissension between the two, send an arbitrator from his people and an arbitrator from her people. If they both desire reconciliation, Allah will cause it between them.” Any effort of reconciliation becomes absurd after the husband has already beaten the wife.

⁶ Sahi Muslim, Vol. 7, Nos. 2078 & 2137. See also Sahi Ibn Majah, Vol. 4, No. 3803. CODIFIED ISLAMIC LAW 852, (Vol. 3).

⁷ QURAN 4:35.

Now the question remains, what did the Quran really mean by “Bidruhunna”? Scholars such as Dr. Laila Bakhtiyar showed that “Daraba” does not necessarily mean beating; the Quran used the word in other verses with other meanings, such as the following:

- To go out - 3:156 and 73:20.
- To travel - 4:101 and 2: 273.
- To beat - 8:50 and 47:27.
- To hit - 2:60 & 73, 7:160, 8:12, 20:77, 24:31, 26:63, 37:93, 47:4
- To place - 57:13.
- To present - 43:58.
- To give - 14:24 & 45, 16:75, 76 & 112, 18:32 & 45, 24:35, 30:28 & 58, 36:78, etc.
- To ignore - 43:5.
- To defame - 2:61.
- To seal - 18:11.
- To cover - 24:31.
- To explain - 13:17.
- To torture - 4:128, etc.

In 13:17, the Quran used the root word “Daraba” as “[t]hus does Allah depict truth and falsehood.”

If we use the meaning of the root word “Daraba” as “beating,” then the verse becomes, “Thus does Allah beats truth and falsehood.” It does not make sense. The best suited Quranic meaning of “Daraba” in chapter 4:34 is “Going out,” as in chapter 3:156 and 73:20. That means divorce.

Indeed, there are Hadiths in support of wife beating,⁸ but those are false because they go against human rights and the Prophet's (S) example as shown above in Abu Dawood.⁹

Did Prophet (S) ever beat any of his wives? No, never. Ayesha reported that "Prophet never beat anyone with his hand except in battles." (Sahi Muslim, Hadith 4296). There is an instance that confuses people. Once he was irritated with Aisha and pushed on her chest; Ayesha reports that she "felt pain."¹⁰ The word used here is not from "Daraba" but "LAHAD," which means "to push." This was his habit; there are reports about his pushing and striking on chests of others to ward off wrong thoughts.¹¹

The consequence of legitimizing wife beating is disastrous. It keeps all Muslim women under constant insult and blocks their blooming as confident, complete and dignified human beings. It kills the potential of Muslim women and eventually the Muslim world is deprived of better mothers that they could otherwise be. Kids watch it and grow up with a violent mindset against women as we see in many parts of Muslim world.

⁸ Sahi Bukhari, No. 2468 (Hafez Abdul Jalil trans.).

⁹ Sunan Abu Dawood, No. 2139.

¹⁰ Sahi Muslim, No. 2127.

¹¹ Sahi Muslim, No. 1356.

DOES ISLAM CONDONE OR ELIMINATE SLAVERY?

Fourteen-hundred years ago in the Middle East it was all tribes; their strength dependant on the number of the members in the tribe. Fights between tribes was the norm of that society. As no tribe enslaves its own members, the main source of slaves was war captives. Then Muslims emerged with powerful political and military strength conquering many countries.

- Muslims got huge number of the slaves.¹
- 39,259 slaves were set free by Only seven Sahabis, rest can be imagined.²
- Hakim Bin Hazam alone freed 200 slaves.³
- Prophet is recorded to send the captured women and children of the slaughtered tribe Banu Kuraiza to Syria and Iraq for sale.⁴
- Masters were allowed to keep and have sex with unlimited number of slave girls.

To begin with, Islam made desperate attempts to (1) raise the level of slaves to human being and (2) free slaves on reasons and excuses.

- If you break fasting in Ramadan, free slaves.⁵
- If you break some promise of fasting, free your slaves as the “price.”⁶
- If you cause abortion by hitting a pregnant woman, one of the ways was payment with slaves as “Diyat”, approved by authority.⁷
- If there is Solar or Lunar Eclipse, set the slaves free.⁸

¹ HEDAYA THE HANAFI MANUAL 1225 (Hamilton trans.).

² HEDAYA THE HANAFI MANUAL 1257 (Hamilton trans.).

³ AYATOLLAH AL UZAMA SYED ALI AL-HUSSAINI SEESTANI, ISLAMIC LAWS, Vol. 3, No. 715.

⁴ FATIMA MERNISSI, THE FORGOTTEN QUEENS OF ISLAM 112 (Vol. 3, 1997).

⁵ SHAFI'ILAW UMDAT AL SALIK, Nos. 1699, 1674 & 1681 (Nu Ha Mim Keller trans.).

⁶ SHAFI'ILAW UMDAT AL SALIK, Nos. 1699, 1674 & 1681 (Nu Ha Mim Keller trans.).

⁷ HOLY QURAN IN BANGLA, Nos. 2630 & 2631 (Mawlana Muhiuddin Khan trans.).

⁸ AYATOLLAH AL UZAMA SYED ALI AL-HUSSAINI SEESTANI, ISLAMIC LAWS, Vol. 3, Nos. 695 & 696.

- While fasting, if you use off words about Allah or Prophet (SA), free slaves.⁹
- Zakat (2.5% of yearly savings) can be used to purchase slave/s to set free.¹⁰
- Social status of slaves was slowly elevated by different process – namely- Witness of slaves was accepted, punishment of slaves was codified.
- Muslims were asked to consider slaves as “brothers” and to treat them equally with food etc., and not to overload them with heavy work.¹¹
- “Double Reward” was announced if masters would educate, free or marry the slave / girls.¹²
- Marrying slave girls was instructed and practiced.
- Prophet’s (SA) agony about slaves in his deathbed and last sermon are immensely heart touching.

When society was ready, the Quran axed the root of slavery—war captives—by revealing 47:4. Muslims were instructed to release the war captives with or without ransom. But we see the Muslim society later strengthened slavery in different ways.

- Women war-captives were instant slaves as sex-objects.¹³ “When a child or a woman is taken captive, they become slaves by the fact of capture, and the woman’s previous marriage is immediately annulled.”¹⁴
- Many of the slaves had multiple-Masters.¹⁵
- Multiple-partnership of and sex with slave girls are confirmed by Sharia Law “A female slave, purchased under a contract of reciprocity, becomes

⁹ SHAFI’I LAW UMDAT AL SALIK, Law 1675 (Nu Ha Mim Keller trans.).

¹⁰ SHAFI’I LAW UMDAT AL SALIK, No. 1933 (Nu Ha Mim Keller trans.).

¹¹ HOLY QURAN IN BANGLA 720, No. 2617 (translated by Mawlana Muhiuddin Khan).

¹² AYATOLLAH AL UZAMA SYED ALI AL-HUSSAINI SEESTANI, ISLAMIC LAWS, Vol. 3, No. 720. HOLY QURAN IN BANGLA, No. 2386 (Mawlana Muhiuddin Khan trans.). AYATOLLAH AL UZAMA SYED ALI AL-HUSSAINI SEESTANI, ISLAMIC LAWS, Vol. 3, No. 94 & Vol. 4, No. 404.

¹³ HEDAYA THE HANAFI MANUAL 252 (Hamilton trans.)

¹⁴ SHAFI’I LAW UMDAT AL SALIK, No. 09.13.

¹⁵ SAHI AL-BUKHARI, Vol. 3, Nos. 698-704 (Dr. Md Muhsin Khan trans.). See also Sahi Bukhari, Vol. 3, No. 702.

the property of that partner who with permission of the other has carnal connexion [sic] with her.....the slave is therefore, he property of both.”¹⁶

- Children of slave-girls were slaves too.¹⁷
- Zakat (Islamic tax) on slaves was waived, slave-business was encouraged.¹⁸
- A slave would be rewarded twice if s/he served both God and Master properly.¹⁹
- If a master freed any slave, none of her/his optional/compulsory good deeds of worship will be accepted if s/he befriended anyone without permission from the master. One more chain on slaves.²⁰
- No worship of a run-away slave would be accepted until they came back.²¹ This is a dangerous proposition; a slave may run away for many reasons, including threat on life.
- Some slaves propagated false Hadiths such as the one against women-leadership.²²
- Slaves were tortured and physically beaten.²³
- Prophet is recorded as instructing to flog slave-girls for adultery upto two cases and then to sell.²⁴
- If one was able to marry a free woman, he was almost forbidden to marry a slave-girl.²⁵
- Many slave-laws still exist in Sharia.²⁶
- Professor Dr. Fawzan, the chief educationist of Saudi Arabia says “slavery is an integral part of Islam; whoever says otherwise doesn’t know Islam and is an infidel.”²⁷

¹⁶ HEDAYA THE HANAFI MANUAL 230-231 (Hamilton trans.).

¹⁷ HEDAYA THE HANAFI MANUAL 242 (Hamilton trans.)

¹⁸ HOLY QURAN IN BANGLA, No. 1108 (Mawlana Muhiuddin Khan). See also AYATOLLAH AL UZAMA SYED ALI AL-HUSSAINI SEESTANI, ISLAMIC LAWS, Vol. 2, Nos. 542 & 543.

¹⁹ HOLY QURAN IN BANGLA, No. 2388 (Mawlana Muhiuddin Khan.). AYATOLLAH AL UZAMA SYED ALI AL-HUSSAINI SEESTANI, ISLAMIC LAWS, Vol. 4, No. 255.

²⁰ AYATOLLAH AL UZAMA SYED ALI AL-HUSSAINI SEESTANI, ISLAMIC LAWS, Vol. 3, No. 94 & Vol. 4, No. 404.

²¹ MAWLANA MD. ABDUR RAHIM, HISTORY OF COMPILATION OF HADITH 377.

²² FATIMA MERNISSI, THE FORGOTTEN QUEENS OF ISLAM 112 (1997).

²³ SHAFI’I LAW UMDAT AL SALIK, Law 1675 (Nu Ha Mim Keller trans.)

²⁴ AYATOLLAH AL UZAMA SYED ALI AL-HUSSAINI SEESTANI, ISLAMIC LAWS, Vol. 4, No. 255.

²⁵ SAHI AL-BUKHARI, Vol. 3, Nos. 698-704 (Dr. Md Muhsin Khan trans.)

²⁶ HEDAYA THE HANAFI MANUAL 230 (Hamilton trans.)

- Mawlana Mawdudi the founder of modern Political Islam says, “Prisoners will be released on ransom or exchange. If neither of these alternatives is possible, the prisoners will be converted into slaves forever.” He supported slavery in explaining Quran 4:24.²⁸
- Dr. Zakir Naik also supported openly “is slavery justified? I say yes, why not”?

²⁷ Independent Saudi News, (7 November 2003).

²⁸ MAWLANA MAWDUDI, TAFHIMUL QURAN AND MUNIR REPORT 225. See also Quran 4:24.

PUNISHING KILLERS – PUBLIC BEHEADING?

The Saudi Arabian public beheading of eight Bangladeshis in 2011 for the murder of an Egyptian created a virtual tsunami of protests worldwide.¹ This occurred at a time when there were raging debates about death sentences and many countries had already abolished the death sentence. However, beheading killers in front of people is another issue altogether—and something that is unique to Sharia law. Creating theological awareness to the Muslim masses about its anti-Islamic nature may aid the abolition of public beheadings.

Sharia law often judges intentional murders according to Hudud, Diyat and Qisas laws:

1. Punishment of intentional murder is death.²
2. If the family of the victim pardons, then the murderer is acquitted from death sentence and other punishments can be given.³
3. If the family of the victim accepts blood money, then the murderer is acquitted.⁴
4. If the family of the victim does not agree to pardon or take blood money, then the murderer sentenced to public execution.⁵

This law shows sympathy to the victim's family and grants a right, which none, even the State, can supersede. Now, let us turn to public beheading of killers. References from the Quran and Prophet below show that the law of public beheading has some apparent legitimacy from Islamic scriptures:

1. Death sentence is allowed.⁶
2. Beheading is allowed by the words “Smiting Neck.”⁷
3. Blood money can be paid for unintentional killing of a Muslim.⁸

¹ Anbarasan Ethirajan, Saudi beheading of eight Bangladesh workers condemned, BBC NEWS (8 Oct. 2011), <http://www.bbc.com/news/world-south-asia-15228607>.

² CODIFIED ISLAMIC LAW, Vol. 1, No. 41.

³ CODIFIED ISLAMIC LAW, Vol. 1, No. 44.

⁴ CODIFIED ISLAMIC LAW, Vol. 1, No. 44.

⁵ CODIFIED ISLAMIC LAW, Vol. 1, No. 42.

⁶ QURAN 5:33.

⁷ QURAN 8:12 & 47:4.

⁸ QURAN 4:92.

4. “Life for life, eye for eye, nose or nose, ear for ear, tooth for tooth, and wounds equal for equal.” Forgiveness is encouraged.⁹
5. Punishment in public is prescribed.¹⁰
6. The Prophet is reported to have publicly beheaded between 600 – 900 adult war captives of Banu Quraiza by the verdict of Sa’ad b. Mu’adh (Banu Quraiza had already agreed to comply with his judgment).¹¹

Although the Quran and Sahi Bukhari 9-21 encourage forgiveness and other options (such as exile) and forbid killing without “good reason,” it is not explained what that exactly could be. That gave clergies ample opportunity to “explain” it in their terms and any opposition is deemed as “War Against Allah.” In our time, the Diyat and Qisas laws, let alone public beheading, are problematic for the following reasons:

1. The tribal element in the Diyat and Qisas laws is evident. A tribe thrives on the number of its members; it protects its members even if they are wrong. Therefore, the legal scopes of acquitting murderers were suitable for the tribal society in Prophet’s time. Today, a murder is a crime by law against the state, not against the victim’s family.
2. These laws directly encourage honour killing. When a woman is killed by her father or brother for alleged relationship or anything else, the family members “pardon” the killer because they don’t want to lose another family member by death sentence of the court.
3. The Third World is full of criminals/killers who are enormously rich, well-connected, politically powerful, and brutish in nature. They have pet brutish cadres under their command to boot. They are in a position to threaten and force the poor, helpless family of the victims to “pardon” them with or without blood money and the state cannot do anything.

⁹ QURAN 5:45 & 2:178.

¹⁰ QURAN 24:2.

¹¹ E.g., Sahi Bukhari, Vols. 4, No. 280 & 5, No. 148. See also Sahi Muslim, Nos. 4368, 4369, 4370. See also Ibn Ishaq, SIRAT OF IBN HISHAM - page 464.

4. Quran 5:33, 8:12 and 47:4 were revealed on war-context; those can't be stretched to personal murder.
5. Quran 24:2 is about adultery, it cannot be stretched to murder.
6. This law is anti-woman because if the victim has a son, his daughter cannot claim blood-money.¹² That necessarily means the daughter cannot pardon the murderer.
7. Many secondary Islamic sources are violent and legitimize violence. For the sake of peace, we must exercise our right to accept or reject any or all of them totally or partially. The Banu Quraiza incident has always been debated, for example, and there are good references against it.¹³
8. Above all and most importantly, the institution of Sharia law totally ignores the Islamic dynamics of updating social laws while keeping the value or the spirit. Examples include laws of slavery and Jijya tax for non-Muslims. Furthermore, some of these dictums have already been updated, such as various rituals of Hajj and the Islamic tax which was originally given to a state-fund. Even many Sharia leaders caution about application of Sharia law today. Dr. Hashim Kamali said: - "Owing to a variety of factors Usul-Al-Fiqh is no longer capable of serving the goals for which it was originally designed and developed.....(it) has lost touch with realities of social change...often relatively obscure opinions were elevated to the rank of Ijma (consensus)...Usul falls short of integrating the time-space factor into the fabric of its methodology....I have consequently commented on the nature of the challenge that Muslim scholars and Jurists must take up if the methodology of Usul-Al-Fiqh and Ijtihad are to be revitalized and integrated into the process of law and government in modern times".¹⁴

¹² DR. ABDUR RAHMAN DOI, SHARIA: THE ISLAMIC LAW – page 235, Ta Ha Publishers, (1981).

¹³ Chasing A Mirage : The Tragic Illusion of an Islamic State - <https://www.amazon.ca/Chasing-Mirage-Tragic-Illusion-Islamic/dp/0470841168>

¹⁴ Principles of Islamic Jurisprudence – Dr. Hashim Kamali – pages 13, 500 & 504.

Laws reflect the nature, maturity and magnitude of the intellectual progress of a nation. Public beheadings might have been necessary in the past when there was no better way of carrying out the death penalty. However, now there are better and more developed ways to punish a criminal. Even if the death sentence to murderers was accepted, it must not be by beheading and especially not in public. Moreover public beheading measurably failed to reduce murders. According to The Guardian, at least 157 beheadings were executed in Iran and Saudi Arabia in 2015 alone. That's up from 27 in 2010. One thing is clear; all this law does is defaming Islam and Muslims.¹⁵

¹⁵ Public Executions in Saudi Arabia and Iran, The Guardian (4 Jan. 2016), <https://www.theguardian.com/news/datablog/2016/jan/04/executions-in-saudi-arabia-iran-numbers-china>.

EXAMPLES OF SHARIA LAW

Suppose a medicine is marketed by a venerable pharmaceutical giant, as the answer and cure to a headache. However, the experience and drug trials indicate that the medicine does not cure headaches but severely upsets the stomach. What are people to do with such a medicine?

Of the more than six thousand laws in each of Hanafi and Shafi'i schools, many are good, some are outdated, some need reformation, and some are to be simply rejected. The fact is, most Muslims never even read the laws. Furthermore, there are almost no articles in support or opposition of Sharia law that even quote one of these six thousand laws. Let us consider the Sharia laws from the most authentic books to know what they really are. Once Muslims know these laws it would be easier for them to decide if these laws can run a modern state.

In Sharia, Hudood (Diyat and Qisas included) crimes (beyond human authority to make any change) are (1) theft, (2) robbery and tyranny against State, (3) adultery/fornication, (4) defamation, (5) frinking, (6) murder/injury and (7) apostasy. Some sources also include rape and “running away from the battlefield of Jihad” in it. All other laws fall into Tazi'r section that Muslims are permitted to update. Please note that variations among different sources exist.

1. Head of Islamic State cannot be charged for Hudood crimes.¹
2. Women's witness is not accepted in Hudood crimes.²
3. Women judges are not allowed in Hudood crimes.³
4. Denying “scholarly consensus” about Sharia laws turns a Muslim to an apostate.⁴

¹ Hanafi law Hedaya – page 188. See also CODIFIED ISLAMIC LAW 914 C, (Vol. 3).

² Hanafi Law Hedaya – page 353. See also Shafi'i Law 638, Law # o.24.9; M. MANZOOR ALAM, CRIMINAL LAW IN ISLAM AND THE MUSLIM WORLD 251, Institute of Objective Studies, (1996); Tafsir of Translation of the Qura'an by Muhiuddin Khan 239; CODIFIED ISLAMIC LAW, Vols. 1, No. 133 & Vol. 2, No. 576; Muhammad Iqbal Siddiqi, THE PENAL LAW OF ISLAM 44-45 (Kazi Publications, 1979), “The evidence of women is originally inadmissible on account of their weakness of understanding, their want of memory and incapacity of governing.”

³ CODIFIED ISLAMIC LAW 554, (Vol. 2).

5. Criminals of genocide, mass rape, looting, etc. (Hiraba) will not be punished if they repent.⁵
6. Proof of adultery and rape are either confession of the accused or at least four Muslim adult male witnesses.⁶
7. Men can marry and keep up to four wives at one time.⁷
8. Men can divorce wife/wives instantly and marry other women. In this case, she gets no maintenance.⁸
9. A wife, if divorced in a regular manner over the course of two to three months gets maintenance only for a maximum of 3 months.⁹
10. To remarry the previous husband, a divorced wife must marry and have sex
11. with another person and get divorced by him voluntarily.¹⁰
12. Except a few obvious cases such as impotency, the only way for a wife to get divorce is to convince the Sharia Court that she will negotiate with the husband who often puts monetary price for his “approval.” Until divorce is complete, the wife cannot marry but the husband can.¹¹
13. Evidence of a slave, female singer, or a person of low respect (street sweeper, bathhouse attendant, etc.) is not admissible.¹²
14. Husbands are obliged to provide only food, clothes, and accommodation to wives. Anything else including doctors’ fees,

⁴ Shafi’i Law Umdat Al Salik # o8.7.7.

⁵ CODIFIED ISLAMIC LAW, No. 13 (Vol. 1).

⁶ Shafi’i Law Umdat Al Salik # o.24.9. See also Text of Pakistan’s Hudood Ordinances #7 of 1979 amended by 8B of 1980. QURAN 239 & 928 (Muhiuddin Khan trans.) (Tafsir explanation section).

⁷ All Sharia schools.

⁸ Hanafi Law Hedaya page 81, 523. See also e.g., Shafi’i Law # n3.2, n3.5 (Instant but not under compulsion), MAOLANA ASHRAF ALI THANVI, DEEN KI BNATE 254, Laws 1537, 1538, 1546 & 2555.

⁹ Hanafi Law Hedaya 145. See also Shafi’i Law Umdat Al Salik # m.11.10.3.

¹⁰ GRAND AYATOLLAH SISTANI, ISLAMIC LAWS 469 Law # 2536, Lulu Press, (2014). See also Hanafi Law 15, Shafi’i Law Umdat Al Salik # P.29.1, Maksudul Mumeneen 231, and MAOLANA ASHRAF ALI THANVI, DEEN KI BNATE 252, Law # 1543 – (2).

¹¹ Hanafi Law Hedaya - page 112. See also Shafi’i Law # n.5.0, n7-7& w-52-1-253-255, and DR. ABDUR RAHMAN DOI, SHARIA: THE ISLAMIC LAW 192, Ta Ha Publishers, (1981).

¹² Hanafi Law Hedaya - page 361. See also Shafi’i Law Umdat Al Salik o.24.3.3.

medicines, etc. is a charity to her. A rebellious wife does not get anything.¹³

15. Adoption is not allowed in Sharia.¹⁴

16. Custody of kids goes to the mother only if she prays and does not marry a stranger. No such law is applicable to father. The father gets boys when boys are 9 and girls are 7 years old. Kids belong to the father.¹⁵

17. A mother with custody of kids cannot go to distant places without permission of the father.¹⁶

18. A husband is allowed to beat his disobedient wife or wives.¹⁷

19. Sisters inherit only half of what their brothers do.¹⁸

20. Women's testimony in business transactions is worth half of men's.¹⁹

21. Women cannot be a bride's guardians.²⁰

22. Women's blood money is half of men's.²¹

23. The murderer must pay blood money or compensation if the family members want it, as follows:²²

- 100,000 riyals if the victim is a Muslim man
- 50,000 riyals if a Muslim woman
- 50,000 riyals if a Christian man
- 25,000 riyals if a Christian woman

¹³ Hanafi Law Hedaya, page 140. See also Shafi'i Law Umdat Al Salik # m.11.4. QURAN, Tafsir translation by Muhiuddin Khan, page 867.

¹⁴ DR. ABDUR RAHMAN DOI, SHARIA: THE ISLAMIC LAW 463, Ta Ha Publishers, (1981). See also All Sharia books.

¹⁵ Shafi'i Law Umdat Al Salik # m.13.0. See also Hanafi Law Hedaya - pages 138-139.

¹⁶ CODIFIED ISLAMIC LAW, (Vol. 1) Law # 405. See also Iranian Law.

¹⁷ Shafi'i Law Umdat Al Salik # m.10.12 & o.17.4., Hanafi Law Hedaya page 31. See also DR. ABDUR RAHMAN DOI, SHARIA: THE ISLAMIC LAW 147, Ta Ha Publishers, (1981). See also All Sharia schools.

¹⁸ All schools of Sharia Law.

¹⁹ Shafi'i Law, Umdat Al Salik # o.24.7. See also Hanafi Law Hedaya - page 352.

²⁰ Hanafi Law Hedaya - page 138-139. See also Shafi'i Law Umdat Al Salik # m.3.4.1.

²¹ Shafi'i Law Umdat Al Salik # o4.9.

²² Wall Street Journal, (9 April 2002).

- 6,666 riyals if a Hindu man
 - 3,333 riyals if a Hindu woman
24. If the victim has son/s and daughter/s, then daughters cannot claim blood money from the killer.²³
 25. If a rapist cannot be punished (reason not cited), he pays bride money to the victim (no other punishment is suggested).²⁴
 26. A Muslim shall not be put to death for murdering an unbeliever.²⁵
 27. The judge of Sharia court shall be a Muslim. In the cases where the accused is non-Muslim, the judge may be a non-Muslim.²⁶
 28. No retaliation is admissible for parents and grandparents who kill their offspring.²⁷
 29. No reason is required to divorce one's wife.²⁸
 30. It is recommended for a woman to wear a covering over her head (khimar), a full-length shift, and a heavy slip under it that does not cling to the body.²⁹
 31. The majority of scholars (with the exception of some Hanafis) have been recorded as believing that it is unlawful for women to leave the house with faces unveiled, whether or not there is likelihood of temptation. It is unlawful for women to be alone with a marriageable man.³⁰
 32. In Shiite law, a man can marry a woman for a fixed time from few seconds to several years.³¹ Rich men from the Middle East travel to Southern India to take advantage of this law on poor women, so do

²³ DR. ABDUR RAHMAN DOI, SHARIA: THE ISLAMIC LAW 235, Ta Ha Publishers, (1981).

²⁴ Shafi'i Law # m.8.10. See also CODIFIED ISLAMIC LAW 301, (Vol. 1).

²⁵ MUHAMMAD IQBAL SIDDIQI, THE PENAL LAW OF ISLAM 149, Kazi Publications, (1979). See also Shafi'i Law # o1.2, o2.2.

²⁶ M. MANZOOR ALAM, CRIMINAL LAW IN ISLAM AND THE MUSLIM WORLD 251, 445, 448, Institute of Objective Studies, (1996).

²⁷ Shafi'i Law # o.1.2.4. See also CODIFIED ISLAMIC LAW (Vol. 1) – 65(A) & 65(B).

²⁸ Shafi'i Law m11.4. See also Tafsir of the Qura'an, translated by Muhiuddin Khan, page 867.

²⁹ Shafi'i Law f5.6.

³⁰ Shafi'i Law, No. m2.3.

³¹ Note: Mut'a Marriage is a Sharia law of the Shia Muslim sect. It is not allowed in Sunni law.

rich Iranian men with their women. The suffering of those women and children born out of this practice is beyond comprehension.

33. If a woman claims to be having her period but her husband does not believe her, it is lawful for him to have sexual intercourse with her.³²
34. The Caliph makes war upon Jews, Christians, and Zoroastrians (if they don't become Muslims or pay Jizya tax) and the war continues.³³
35. Being unyielding towards the unbelievers, hard against them, and detesting themis a decree of Allah.³⁴

³² Shafi'i Law, No. e.13.5.

³³ Shafi'i Law, No. o9.8.

³⁴ Shafi'I Law, No. #w59.2.

Many of the Sharia laws are created based on Hadiths (“Prophet’s Examples”); here is a short list:

1. Wife must shave her pubic hair if husband returns home at night after a long journey.³⁵
2. A man will not be asked in hereafter as to why he beat his wife.³⁶
3. If a woman were to prostrate to another person (besides Allah) it would have been her husband.³⁷
4. Women can visit mosques but must not use perfume.³⁸
5. A divorced woman must marry another man and must have intercourse before she is divorced by him to remarry her former husband.³⁹
6. Majority of women are in hell.⁴⁰
7. One must seek Allah's refuge from women, slaves, and camels.⁴¹
8. If a woman abandons her husband’s bed for the night, then the angels curse her until morning.⁴²
9. Prayer is annulled by a passing woman, dog, and a monkey.⁴³
10. A woman enters slavery of her husband in marriage.⁴⁴
11. A woman is like a rib; that is why she has the crookedness.⁴⁵
12. Nothing is more harmful to men than women.⁴⁶
13. A woman advances and retires in the shape of a devil, so when one of you sees a woman, he should come to his wife and have intercourse with her.⁴⁷

³⁵ Sahi Bukhari, No. 7.62.173.

³⁶ Sunaan Abu Dawood, Vol. 11, No. 2142.

³⁷ Sunaan Abu Dawood Vol. 11, No. 2135.

³⁸ Sunaan Abu Dawood Vol. 2, No. 0565.

³⁹ Malik’s Muwatta 28.7.18.

⁴⁰ Shahih Bukhari 1.6.301.

⁴¹ Sunaan Abu Dawood, Vol. 11, No. 2155.

⁴² Shahih Muslim, No. 8.3366.

⁴³ Shahih Bukhari, No. 1.9.490.

⁴⁴ IMAM GAZZALI, EHIYA ULUM AL DEEN 279, Taaj Publishing House, (Vol. 2, 2008).

⁴⁵ Shahih Bukhari 7.62.113.

⁴⁶ Shahih Bukhari 7.62.33.

⁴⁷ Shahih Muslim 8.3240.

14. The house, the wife, and the horse are bad luck.⁴⁸
15. Women are more harmful to men than anything else.⁴⁹
16. Because of Eve, women are unfaithful towards their husbands.⁵⁰
17. A husband should not tell his wife secrets such as amount of property...etc. She may not have musical instruments.⁵¹
18. Women should beg a man not to divorce her.⁵²
19. Marriage gives the man the right to enjoy a woman's "private parts."⁵³
20. There is no maintenance allowance or lodging for the wife who has been given an irrevocable divorce.⁵⁴
21. One can have sexual intercourse with a captive woman. If she has a husband, then her marriage is abrogated after she becomes a captive.⁵⁵
22. Companion of the Prophet raped war captives.⁵⁶
23. Some Jihadis practiced coitus interruption with captive women.⁵⁷
24. A woman can't travel a day's journey without her mahram.⁵⁸
25. Menstruation is a defect in women for they cannot fast and pray during their periods.⁵⁹
26. People ruled by a woman will never be successful.⁶⁰
27. Prophet has no concern for a woman who cries loudly, shaves her hair, and tears her clothes in bereavement.⁶¹

⁴⁸ Shahih Muslim 26.5523.

⁴⁹ Shahih Muslim 36.6603.

⁵⁰ Shahih Muslim 8.3471.

⁵¹ T.P. HUGHES, A DICTIONARY OF ISLAM 675, Kazi Publications, (1994).

⁵² Shahih Bukhari 7.62.134.

⁵³ Shahih Bukhari 7.62.81.

⁵⁴ Shahih Muslim, Nos. 3514 & 3530.

⁵⁵ Shahih Muslim 8.3432.

⁵⁶ Shahih Bukhari 5.59.637.

⁵⁷ Shahih Bukhari 7.62.137.

⁵⁸ Shahih Muslim 7.3105.

⁵⁹ Shahih Bukhari 3.31.172.

⁶⁰ Shahih Bukhari 5.59.709.

⁶¹ Shahih Muslim, Vol. 1, Nos. 0187-0188.

To undo such long-standing wrongdoings in the name of Islam is a daunting task and obviously cannot be done overnight.

But we have to start from somewhere.

To all the allies as well as the opponents of Sharia law imposition, I humbly suggest that they read the laws and ponder over them. That task, for those questioning these pages, may certainly pave the way for a just and peaceful society as it has done for so many others.

Inshallah!

DID SHARIA LAW ESTABLISH JUSTICE IN THE PAST?

Radical Islamists claim that past Islamic states established justice by Sharia law and that it is still the answer of all the world's problems. Nothing can be further from the truth. Even a cursory look at the laws in past and present Sharia books proves that peace cannot be established by those. There were periods when Muslims lived peacefully with non-Muslims, but even then, the non-Muslims were not allowed to rule their motherland or get high positions in army, government, or court. The brutal persecution of non-Muslims and peaceful Muslims who differ from radical ideology is a painful reality. Copts in Egypt, Christians in Nigeria, Malaysia, and Indonesia, Hindus of Pakistan, Assyrians in Syria, and Ahmadis throughout the Muslim world are certainly some of the victims of radical Islam. Clergies have historically used hatred towards Jews as an effective tool to excite, incite, and control the gullible masses.

Sharia-ists follow Sharia laws based on violent Hadiths and the cherry-picking of Quranic verses while ignoring the contexts. Destroying statues of Buddha in Afghanistan¹ and Pakistan² (and similar actions of ISIS) and allegedly forcing non-Muslims to wear yellow bands in Afghanistan have deep root in "Omar's Pact"³ and Sahi Bukhari.⁴

"Omar's Pact" is a historic document about non-Muslims living in a Sharia state. The pact was a treaty supposedly made between the Umayyad Caliph Umar II (717 AD) and the Jews and Christians living in the conquered lands. The historicity of the document is debated but it still gives a general idea of the issue. We note, however, that while the conditions of the pact were authoritative, the level of enforcement varied, as shown by the existence of churches constructed long after the Muslim conquests. Omar's Pact can be seen below:

¹ Nasir Behzad & Daud Qarizadah, The Man Who Helped Blow Up the Bamiyan Buddhas, BBC (12 Mar. 2015), <http://www.bbc.com/news/world-asia-31813681>.

² Attack On Giant Pakistan Buddha, BBC (12 Sept. 2007), http://news.bbc.co.uk/2/hi/south_asia/6991058.stm.

³ Pact of Umar, Wikipedia, https://en.wikipedia.org/w/index.php?title=Pact_of_Umar&oldid=770334619, last accessed 25 Apr 2017.

⁴ Bangla translation of Sahi Bukhari by Mawlana Abdul Jalil, Hadith 270.

We Christians:

1. *We shall not build, in our cities or in their neighborhood, new monasteries, churches, convents, or monks' cells; nor shall we repair, by day or by night, such of them as fall in ruins or are situated in the quarters of the Muslims,*
2. *We shall not give shelter in our churches or in our dwellings to any spy, nor hide him from the Muslims. We shall not teach the Quran to our children.*
3. *We shall not manifest our religion publicly nor convert anyone to it.*
4. *We shall not prevent any of our kin from entering Islam if they wish it.*
5. *We shall show respect toward the Muslims, and*
6. *we shall rise from our seats if they wish to sit.*
7. *We shall not seek to resemble the Muslims by imitating any of their garments, the headgear, the turban, footwear, or the parting of the hair.*
8. *We shall not speak as they do,*
9. *nor shall we adopt their honorific names.*
10. *We shall not mount on saddles, nor shall we gird swords nor bear any kind of arms nor carry them on our persons.*
11. *We shall not engrave Arabic inscriptions on our seals.*
12. *We shall not sell fermented drinks.*
13. *We shall not display our crosses or our books in the roads or markets of the Muslims.*
14. *We shall only use clappers in our churches very softly.*
15. *We shall not raise our voices in our church services or in the presence of Muslims,*
16. *nor shall we raise our voices when following our dead.*
17. *We shall not show lights on any of the roads of the Muslims or in their markets.*
18. *We shall not bury our dead near the Muslims.*
19. *We shall not take slave who have been allotted to the Muslims.*
20. *We shall not build houses over-topping the houses of the Muslims.*

Modern Muslim scholars including Dr. Abdul Aziz Sachedina, one of world's esteemed Islamic scholars contested the Pact as of second Caliph Omar.⁵

Rampant injustice.

Anarchy.

Genocide.

Revolution and counter-revolution.

Assassinations (just to name a few)

These are all bound to occur when fallible human beings try to own a faith. That is why Imam Gazzali (1058 – 1111 AD) made such a resentful statement, stating, *“Almost all the property of the kings were illegally acquired. Nobody should see their face or show his face to them. They should be despised for their tyranny, their existence should be condemned, they should not be exalted. . . . Their property and dress-up should be announced dirty and un-Islamic.”* Gazzali wrote to all the ministers that, *“The autocracy’s despotism has crossed all bounds. I am leaving so that I don’t have to see this cruel and shameless tyranny.”*⁶

It’s also a horrific misconception that the Sharia gave women their rights in the past.

⁵ DR. ABDUL AZIZ SACHEDINA, *THE ISLAMIC ROOTS OF DEMOCRATIC PLURALISM* 66, (Oxford University Press, 2007).

⁶ SAYYID ABUL A LA MAWDUDI, *A SHORT HISTORY OF THE REVIVALIST MOVEMENT IN ISLAM* Pages 62-63, (The Other Press, 2009).

Dr. Ameera Azhari quoted the following from the records of Ottoman Sharia court that:⁷

“Collecting the maintenance-money after divorce was very cumbersome for women.... Lots of ‘Khul’ [divorce initiated by wife – see chapter on Women’s Right to Divorce] used to happen in the 17th and 18th century. In the Khul system, the wife had to abandon all the welfare money that was divinely ensured for her and her children. For this, an extra paper was added to the khul records. That paper had the wife’s confession that she will bear the expenses of the children and the husband (the husband was relieved of this Quranic duty). Hawa Khatun of the Vidin Province ‘khul-divorced’ her husband in 1783. Out of her dowry of 4000 Turkish currency, she had to pay the unpaid 1000 and welfare expenses. In July 1802, Halima Khatun from Istanbul complained that her husband was insisting her for a divorce for want of dowry. The corrupt kazis (judges) used to conspire and accept bribe.”

How the Sharia, specifically those that didn’t tolerate difference of opinions within Muslims, treated Muslims with differing opinions can be seen in the laws below:

- “The judge of the Sharia court must be a Muslim. But if the accused is a non-Muslim, the judge can also be non-Muslim.”⁸
- “No Muslim should be killed for killing an unbeliever.” (Sahih Bukhari Vol 1, no. 111, Sunan Abu Dawud 2745, Penal Law of Islam 47 & 149)
- “Compared to a Muslim man’s blood value: (i) A Muslim woman’s blood value is half, (ii) A Christian or a Jew’s blood value is 1/3, (iii) A pagan’s (possibly Hindus too) blood value is 1/15.”⁹ (Shafi’i Law).

⁷ DR. AMIRA EL AZHARI SONBOL, WOMEN, THE FAMILY, AND DIVORCE LAWS IN ISLAMIC HISTORY Pages 89, 92, 100 & 104, (Syracuse University Press, 1996).

⁸ Islamic Penal Law, Pakistan’s State Hudud law No. 7 & 21, amended 1979-80. CRIMINAL LAW IN ISLAM AND THE MUSLIM WORLD 448.

⁹ Shafi’i Law 590, law nos. 4 & 9.

- “After a Muslim Umma usurps a non-Muslim state, then the right of the non-Muslims in state administration must be abrogated. Non-Muslim women must follow the very basics of the dress code described in the Sharia. All cinemas will be prohibited. Non-Muslims must not be allowed to participate in any cultural act which is rendered harmful according to Islam.”¹⁰ (Mawdudi). Author’s note: Needless to say, the usurpers will define “which is rendered harmful according to Islam.”
- “Those who don’t apply Sharia law have no right to promulgate fundamental laws of the state . . . already existing non-Muslim establishments in Muslim majority areas can be granted maintenance but no new establishment should be granted permission for construction . . . non-Muslim prisoners are relieved from state defense services . . . non-Muslims eligible to go to war will be taxed.”¹¹ (Mawdudi).
- When Halakku Khan asked the Maulanas if a non-Muslim just ruler is more acceptable than a Muslim tyrant, the Maulanas unanimously replied in the positive. This shows the “poor” condition of religious leadership in those times.¹² (Mawdudi).
- Omar, who even did not spare his own son from punishment for crimes, could not avoid discrimination due to the nature of theocracy. He was once informed that there was a non-Muslim boy very efficient in writing parchments and that he should make an excellent personal assistant for Omar. His reply was, “Then I’ll be putting my trust on a non-Muslim, which is against the Quran.”¹³

¹⁰ Mawlana Mawdudi, JIHAD IN ISLAM 27.

¹¹ Mawlana Mawdudi, Islamic Law and Constitution 146, 288, & 211

¹² MAWLANA MAWDUDI, A SHORT HISTORY OF THE REVIVALIST MOVEMENT IN ISLAM 65 (footnote).

¹³ QURAN, at pg 198, (translated by Muhiuddin Khan from Mufti Shafi’s, printed in Medina).

The immediate impacts of the four schools of Sharia law were limiting Islam into the cage of social laws and violent fragmentation of Muslim society. Everyone claimed themselves to be the true follower of Islam. If someone rejected those, he or she was considered an apostate. This extreme conservatism went so far that followers of Shafi'i were barred from marrying followers of Hanifa and Imam Malik's supporters beat Imam Shafi'i to death.¹⁴ Imam Bilal Phillip's book records more spine-chilling examples.

In fact, according to their own records, the first ever formal codification of Sharia law by governments was done in 17th century, after 1000 years of the Prophet.¹⁵

- After the first Mughal Emperor Aurungzeb Alamgir captured power in the 17th century, he ordered the compilation of Islamic laws in the state level... this is the first ever compilation of Islamic Law of its kind.”
- In 1869, under the leadership of Turkish Usmani government Sadat Pasha, a committee formed a compilation of Islamic Dewani laws. This was formed on the basis of Fatawa Almigiri. This was in vogue in the Turkish Kingdom until 1926.

Radical Islamists are quick to claim it as an Islamic state wherever the ruler was a Muslim, such as the Mughals in India and Sultans in Bengal. They claim that, “Sharia laws were in effect in Muslim India” and that, “Emperor Akbar failed in his conspiratorial attempt to create a new religion. Simultaneously, he planted the seed of destruction of Islamic rule in India. It is for him that the light of Islamic rule ended in 1757.”¹⁶

On 23 June 1757, the East India Company defeated the Bengal-Sultan Siraj Ud Dawla and eventually conquered the whole of India. Radicals also claim that the root of Indian Bengalese is anthropologically Arabic and the name “Bongo” (major part of it is Bangladesh today) originated from ancient Arabic literature.¹⁷

¹⁴ ABU ZAHRA, THE FOUR IMAMS 273, Dar Al Taqwa, (2000).

¹⁵ CODIFIED ISLAMIC LAW 9, (Vol. 1).

¹⁶ HISTORY OF JAMAAT-E-ISLAMI 3 & 198. (Bangladesh).

¹⁷ The Daily Inqilab, (12 November 2007 & 25 June 2008).

These are bogus claims; history tells us just the opposite. The only Sharia law that was in effect in India was the family law and that is because it gives men control on women. The penal laws of Sharia were never applied. In the thousand years of history of India, we don't find a single case of amputating limbs of thieves or stoning people to death. The preachers of Islam did not let Sharia law swoop down on India. Richard Eaton is a widely celebrated pundit on Islam in India. To this, he stated the following:

“In the light of religious culture, the Mughals of Bengal had three characteristics: adherence to the tolerant Muslim sect of Chistee, separation of religion and state, indifference to preaching Islam to non-Muslims, etc. Significant number of Hindus enjoyed high ranks in the palaces as Prime Minister, Commissioner, Personal Doctor, Head of Finance, and Governor of Chittagong etc during the reign of Alauddin Hussein Shah (1493-1519) and his son Nasiruddin Nusrat Shah (1519-1532).”¹⁸

Dr. Teslim Chowdhury, another Muslim scholar, noted the following:

“India never became a theocratic state during the Mughal rule (1526-1707) ... The first Mughal emperor Babar created his sovereign state by denouncing the control of Muslim Caliph; it was kept unchanged even by the conservative emperor Aurungzeb. The Mughal state had little similarity with a theocratic state, the Mughals made rules per the demand of the time. The Sultani rule was also totally different (than Islamic). The Sultans more or less accepted drinking and women as their favorite pastime.”¹⁹

¹⁸ RICHARD M. EATON, THE RISE OF ISLAM AND BENGAL FRONTIER: 1204-1760, (University of California Press, Reprint edition, 1996).

¹⁹ DR. TESLIM CHOWDHURY, INDIA IN MIDDLE AGE, (Vols. 1 & 2). Note: Dr. Chowdhury is Head of the Department of History of Ram Mohan College in Kolkata, India.

The Mughal court was full of high-ranking non-Muslims; the palaces often housed Hindu and Rajput Queens, which is forbidden in Islam. The emperors also celebrated non-Muslim festivals such as Diwali and Nawroz on a state level. The Bengal Darbar was full of high-ranking non-Muslims. Mawlana Mawdudi knew it well and said with grief, “It would have been different if the Sharia rule were established in India by Muslims rulers who came from outside.”²⁰

Peace cannot be achieved without justice and justice cannot be achieved by unjust laws.

²⁰ Mawdudi Speech in Pathancot, Pakistan, April 1945.

THE DEFINITION AND SOURCES OF SHARIA LAW

Muslims are made to believe that Sharia laws were derived from the Quran, Prophet's examples, Ijma (consensus of scholars) and Qisas (personal reasoning of scholars). Nothing is further from truth. Sharia laws were derived from at least 11 sources.

On 5 July 2005, leaders of the Muslim Council of Britain (MCB) rushed to the office of the Home Minister, Paul Goggins, with a critical request. On that day, the British parliament was slated to debate and vote on a new law which would effectively ban incitement to religious hatred. The Muslim leaders suggested that the minister should "totally exempt the holy text," which includes the Quran, hadiths and Sharia law, from the Act."¹

Obviously, the MCB indirectly and wrongly confessed that their Holy Books do incite religious hatred. Their agony was not unfounded; their version of Islam would be caught red-handed had the law been passed. The reason will be clear if we dig little deeper into the institution of Sharia law.

It is stunning to know that the Quran mentions the word Sharia only in 3 places:

1. Only once as a noun,² and
2. Only twice as a verb.³

¹ Muslim Council of Britain Asks for Quran to be Exempt From Religious Hatred Law (13 Jul 2005), JOHN MARK MINISTRIES, <http://jmm.aaa.net.au/articles/15479.htm>.

² Quran Al Jashiyah 18.

³ Mayeda 48, Ash Shura 13. Ash Shura 21 is irrelevant.

That's about it. The word "Sharia" literally means the path made by animals going to the spot of flowing water (watering hole) or flowing water itself.⁴ Symbolically, it means path to salvation or Nirvana. This is exactly what the Quran used the word for: ethical guidance or moral code. Definitions of the Quran and mission of all Prophets, as defined by the Quran itself, perfectly match with this meaning. Transforming spiritual "moral guidance" to political "State law" was a major betrayal that the Quran suffered. Many scholars throughout time have warned the faithful Muslims about that betrayal.

*"The Quran stipulates Sharia as ethical orientation and does not provide any kind of underpinning for the misrepresentation of the word "Sharia" for any sort of state or the power thereof whatsoever."*⁵

This is the Quranic Sharia – Moral Guidance. It is neither a red flag to incite hatred and encourage violence over fellow human beings, nor is it a license accorded to men to perpetrate injustices to anyone. But in its name Islam was practically reduced to a legal framework of the supremacists. The tool of creating Sharia law is "Fiqh" which means human understanding.

The institution of Sharia law initially served some good as well. It ended the century-old culture of the tribal chief's whims applied as laws. It made the rulers accountable to laws and it contributed to transparency of administration. It also contributed to the evolution of legal system of humankind. Dr. Hashim Kamali, one of world's leading Islamic Jurists, defines Sharia law as "[a] Qura'anic injunction may simultaneously possess a definitive and a speculative meaning...[a]t times seven or eight different juristic conclusions have been arrived at on one and the same issue. When the ruler authorizes a particular interpretation of the Qura'an and enacts it into law, it becomes obligatory for everyone to follow only the authorized version."⁶

⁴ SYAFII MAARIF, ET AL., THE ILLUSION OF AN ISLAMIC STATE, edited by Abdurrahman Wahid, LibForAll Foundation Press, (2011). (Originally noted "by Nahdlatul Ulama, the biggest Muslim organization in the world and LibForAll").

⁵ Muhammad Sa'id al-'Ashmawi, a retired Egyptian Supreme Court justice and former head of the Court of State Security and a specialist in comparative and Islamic law at Cairo University. See also DR. BASSAM TIBI, THE CHALLENGE OF FUNDAMENTALISM: POLITICAL ISLAM AND THE NEW WORLD 170, University of California Press, (Updated edition, 2002).

⁶ HASIM KAMALI, PRINCIPLES OF ISLAMIC JURISPRUDENCE – PAGE 31, (Islamic Texts Society, 2005).

He also warned Muslims not to implement Sharia before updating the laws' states. The seven Hudud laws of Sharia are the ones which are claimed to be stipulated by the Quran and Prophet. The word Hudud comes from the root word "Hadd" that means "Limit." In Sharia law, Hudud, Diyat, and Qisas cases are derived from the Quran and Prophet's examples and are claimed to be above any change by human being.

1. Hudood cases are (1) theft, (2) robbery and tyranny against state, (3) adultery/fornication, (4) defamation, (5) drinking, and (7) apostasy. Some sources also added "running away from the battlefield of Jihad" in Hudood.
2. Opinions vary about Diyat and Qisas laws of blood money and retaliation for intentional and unintentional murder and bodily harm. In general, (A) Diyat is money paid to victim's family to get pardon ⁷ and (B) Qisas is equal retaliation on the criminal.⁸
3. All other laws fall into Tazi'r section. Minor differences are noted among different schools of law, e.g. Hanafi, Shafi'i, Maliki, Hanbli, and Jaafri (Shiite law).

All these laws are applied discretely in some Muslim-majority countries. In Iran, a criminal Romeo destroyed the eyes of his unwilling Juliette by throwing acid; the Sharia court passed the sentence of destroying his eyes by acid. The woman is reported to have pardoned him at the end.

Our Prophet broke centuries old tribal custom and left the leadership to people's choice. In other words, he was the forerunner of today's democratic system of governance. But after three decades, monarchy reared its head and a succession of Caliphs became the Muslim rulers. They needed something in the name of Islam to legitimize their reign as Islamic. As ruling the empire by "divine law" deemed more appropriate and "divine" laws were created.

⁷ Quran Nisa 92–93.

⁸ Quran Maidah 35.

It is totally untrue that Sharia laws are created only from the Quran, Prophet's examples, Ijma (consensus), and Qiyas (personal reasoning). Apart from the fact that the way Quran and Hadith were used to create the laws was always criticised by Muslims themselves, there are at least eleven sources of Sharia laws.

1. The Quran: There cannot be consensus about many laws from the Quran because Muslim scholars differed in their interpretations.
2. Prophet's examples (Hadiths): This is a deadly source of Sharia law because most of the Sharia laws against women, non-Muslims, and Muslims of different opinions are based on Hadiths. The Sharia-Imams compiled about 2.3 million Hadithes and discarded more than 98% as fake. Even after that we find lots of ludicrous, meaningless, violent, unjust, and silly Hadiths all over.
3. Ijma (consensus): Consensus about Sharia law is only an oxymoron. It was, still is, and will be, impossible for all Imams of the world to reach a consensus about any single issue except the basic five pillars of Islam. Rather, clergies filled Muslims history full of Takfir, calling each other apostates.
4. Qiyas (personal reasoning): This is another unrealistic source of Sharia law. Indeed, personal reasoning varies with people. One's personal reasoning can change with time. People's reasoning cannot be taken as divine and enacted as God's law.
5. Old scriptures (law of stoning to death, Jews law of Gate, etc.)
6. Istihsan (juristic preference)
7. al-maslaha (social benefit)
8. Istidlal: a process of seeking guidance from the source
9. Urf: customs and practices of a given society (Female Genital Mutilation etc...)
10. Istislah (to deem proper)
11. Known and unknown clergies inserted their laws in the established four legal sects.

The Sharia-Imams (Abu Hanifa, Shafi'i, Malik, and Hanbal) lived roughly between 700 and 850 AD. On the other hand, except Imam Malik (he created Sharia law and compiled Hadithes) the other Hadith-Imams (Bukhari, Muslim, Tirmidhi, Nasai, Ibn Majah, and Abu Dawood) lived roughly between 810 and 910 AD. That means Sharia laws were created before Hadiths were compiled. But strangely, we see thousands of Sharia laws created based on Hadiths. Surely those Hadiths were created by people long after the Sharia-Imams had passed away. We never know who were they and which are their laws.

Except Islam's basic tenets, there was never consensus of all Muslim clergies on the use of any of the sources. Instead, history is full of records of their bullying and calling each other apostates. The facts are as such:

- There are many good laws in the Sharia books. However, many Sharia laws are either outdated or against human rights and justice.
- The four Sharia-Imams, Abu Hanifa, Shafi'i, Malik, and Hanbal, wrote few laws on their personal initiative. Others wrote most of the laws after them in their names.⁹
- The Imams never claimed their laws as divine.¹⁰
- They never wanted to start law-sects in their names, but Muslims are still divided as Hanafis, Shafis, Hanbalis, and Malikis.¹¹
- Imam Shafi'i never named his law after his name.¹²
- They did not join state power even after such offers and were severely tortured by state power.¹³
- Imam Abu Hanifa was beaten severely and poisoned to death in prison by the Caliph. Imams Shafi'i, Malik and Hanbal were also severely tortured by the Caliphs.¹⁴

⁹ Muslim Jurisprudence and The Quranic Law of Crimes – Mir Wali Ullah, pages 20, 21; Islam, a Short History - Karen Armstrong- page 49, Al-Shafi's Risala - page 48, translated by Majid Khadduri, Sharia the Islamic Law – Dr. Abdur Rahman Doi - page 98, The Four Imams - Abu Zahra.

¹⁰ The Four Imams - Abu Zahra.

¹¹ The Four Imams - Abu Zahra. See also Al Shafi's Risala - page 45, translated by Dr. Majid Khadduri.

¹² Al-Shafi's Risala - page 22, translated by Majid Khadduri, Islamic Texts Society 1997).

¹³ The Four Imams - Abu Zahra. pages 18, 72.

105, Ta Ha Publishers, (1984); UMDAT AL SALIK 1069, translated by Nuh Ha Mim Keller, Amana Corporation, (Revised edition, 1997); CODIFIED ISLAMIC LAW 277.

- Imam Taymiya was also poisoned to death in prison by the Caliph.
- Followers of the four schools of law were bitterly opposed to each other.¹⁵
- The very first impact of Sharia law was violent fragmentation of Muslim societies. Marriage between followers of Imam Hanifa and Imam Shafi'i was barred, followers of one school did not pray behind Imams of another school. Even the Ka'aba was not spared. Four pulpits were built in its four corners and thus each of the four Madhabs had his own place from which he could address his followers.
- Imam Shafi'i was beaten to death by the followers of Imam Malik.¹⁶
- Sharia law legitimized the un-Islamic rules of kings opposing Prophet's instruction for people to elect their leaders.
- People's, especially women's opinions were not reflected in Sharia laws.
- There is not a single female Sharia-Imam or judge in Sharia courts in history.
- Sharia law was created before the compilation of Hadiths. Hence, we see thousands and thousands of Hadiths which support the politicization of Islam.
- Hands of patriarchy and political power-game are evident in Sharia laws.
- Tribal elements are present in many laws such as Diyat and Kisas laws.
- Documents of past Sharia courts exhibit cases of women oppression just as we see today.¹⁷
- Sharia never enjoyed total support of world-Muslims or all Islamic scholars; there were always Muslim voices against it.¹⁸
- There is no compulsion in Islam, but Sharia law blackmails Muslims to follow it by threat of death. Muslims turn to apostates if he or she denies Sharia as divine.

¹⁴ The Four Imams - Abu Zahra, Umdat Al Salik, A classi Manual of Islamic Sacred law (Shafi'i) – translated by Nuh Ha Mim Keller – page X223.

¹⁵ The Four Imams - Abu Zahra.

¹⁶ The Four Imams - Abu Zahra - Dar Al Taqwa - page 273, Risala of Imam Shafi'i –translated by Majid Khadduri – page 16.

¹⁷ DR. AMIRA EL AZHARI SONBOL, WOMEN, THE FAMILY, AND DIVORCE LAWS IN ISLAMIC HISTORY, (Syracuse University Press, 1996).

¹⁸ EERIK DICKINSON, THE DEVELOPMENT OF EARLY SUNNITE HADITH CRITICISM: THE TAQDIMA OF IBN ABI HATIM AL RAJI (854-938 AD), Brill, (2001).

- There was never any empirical study to ascertain the impact of Sharia law on human life, property, and dignity.
- The laws evolved throughout history. Many penal laws (amputating thief's limbs, stoning to death of apostates or adulterers, etc) were gradually abolished in many countries until revived in recent times. We have documents of apostates not sentenced to death by Sharia courts of different countries.¹⁹
- The very existence of five Sharias and variations among them prove that these are not God's law.

Application of each source is highly questionable, as we will see later. As Mawdudi, father of modern political Islam, says:

*“Where an explicit command of God or His Prophet already exists, no Muslim leader or legislature, or any religious scholar can form an independent judgment, not even all the Muslims of the world put together, have any right to make least alteration to it.”*²⁰

All Sharia books claim the same.²¹

Thus for all intents and purposes, the institution of political Islam seemed to be dying if not dead already. But the philosophy was very much alive but quiescent. It was biding its time not unlike a virus waiting for the proper environment to put out its feelers in preparation for a fresh launch of its deadly agenda. (Viral particles, as you know, can stay inert for centuries like an inert chemical without losing any of its virulence. But whenever subjected to a living cell, it springs to life with all of its cruel efficiency.)

¹⁹ DR. AMIRA EL AZHARI SONBOL, WOMEN, THE FAMILY, AND DIVORCE LAWS IN ISLAMIC HISTORY, Syracuse University Press, (1996).

²⁰ Mawlana Mawdudi, THE ISLAMIC LAW AND CONSTITUTION 140, (Islamic Publications, 1977).

²¹ CODIFIED ISLAMIC LAW 11, (Vol. 3). See also e.g., Dr. Abdur Rahman Doi, Shari'ah in the 1500 Century of HIJRA: Problems and Prospects 44, Ta Ha Publishers, (1981); Dr. Abdur Rahman Doi, Sharia: The Islamic Law page 466, Ta Ha Publishers, (1984).

Radical Islamists control people by the easier tool of violence and hatred because it takes faculties to lead people with a peace message. It has the proclivity to utilize the elements in its surrounding for its growth. In the West, it has become an expert in utilizing State-sponsored multiculturalism, playing the “Victim Syndrome” and “conspiracy theory” to the hilt to further its own agenda. But where it is strong, it historically committed rampant coercion to women and “the others.” Its tactic in the Muslim countries is quite different. It was quick to cash on the conflicts in Palestine-Israel, Kashmir, Iraq, and Afghanistan to claim that the entire West was enemy of Islam. It was spectacularly successful in establishing itself as the virtual dispenser of Islam and as the only Islamic force resisting the evil West.

Sharia is not merely a benign law book; it is a dangerous provocation of creating global theocracy. Its followers believe that God’s divine command is to establish a global Islamic State and to universally apply Sharia law. In that sense, Sharia is the informal constitution of radical Islam which is defined by its founding father Mawdudi (1903-1979) as the following:

“Islam wishes to destroy all States and Governments anywhere in the face of the earth which are opposed to the ideology and program of Islam. If the Muslim Party commands adequate resources it will eliminate un-Islamic governments and establish the power of Islamic governments in their stead.”²²

This is radical Islam. This is nothing but an informal declaration of war against all the non-Muslims forever. Hasan Al Banna revived the philosophy of radical Islam in Egypt in 1928, Sayed Qutb strengthened it in Egypt in the 1950s, and Mawdudi fused it with modern political tools in India in 1941. Decades later, their deadly voices resonate today throughout the world, including major European cities, with a promise of clash of civilizations. The West is still very naïve and has failed to realize the nature and magnitude of the cultural assault that radical Islamists made on human civilization.

²² MAWLANA MAWDUDI, JIHAD IN ISLAM 6 & 24, (The Holy Quran Publishing House, 1939).

**CONTRADICTIONS WITHIN
SHARIA LAWS ON THE SAME
ISSUES**

God is one; God’s law is expected to be one. The existence of the five major schools (Madhhabs) of Sharia Law¹ and the many serious contradictions among them prove that it is anything but God’s law. The contradictions reach to a level that, in a particular case, the accused is stoned to death by Maliki law but is acquitted free by Hanafi law. Shiite Muslims follow Jafri’ law and Sunni Muslims (80% of world Muslims) follow Maliki, Hanafi, Shafi’i, and Hanbali law. The list of contradictions is very long – below are only few examples.

1. The legality of temporary marriage, or Mu’ta, a time-bound marriage for a specific period from a few seconds to whatever is mentioned in the marriage document, sometimes appearing as the legitimization of prostitution in the name of divinity:

Jafri law	Sunni laws
Legal	Illegal

2. The legality of instant divorce by the husband’s uttering of the word “divorce” three times²:

Hanbali law	Shafi’i law	Hanafi law
Illegal (same as in Shia Law)	Legal	Legal

3. Effectiveness of the utterance of “divorce” (or anything similar) by the husband under the influence of alcohol or drug, in compulsion, or as a joke.³

Hanafi law	Shafi’i law	Jafri law
Effective	Ineffective	Ineffective

¹ Hanafi, Shafi’i, Maliki, and Hanbali for Sunni Muslims and Jafri for Shia Muslims.

² Hanafi law Hedaya – page 81, Codified Islamic Law Vol 1 – 343, 351, Shafi Law Umdat Al Salik # n.3.5, Malik’s Muwatta Hadith 29.1.6.

³ ABDUR RAHMAN I. DOI, SHARI’AH: THE ISLAMIC LAW 174, A. S. Noordeen, (2007).

4. Legality of secret marriage.⁴

Hanafi law	Shafi'i law	Hanbali law	Maliki law
Legal	Legal	Legal	Illegal, even with a witness

5. Result of marriage if wife leaves Islam.⁵

Hanafi law	Maliki law
Dissolves the marriage	Keeps marriage intact

6. Legality of 20% Islamic tax (Khums) on savings.

Jafri law	Sunni laws
Legal and mandatory	Illegal

7. Mandating of 2.5% Islamic tax on savings.

Hanafi law	Shafi'i law	Maliki law	Hanbali law	Jafri law
Mandatory	Mandatory	Mandatory	Mandatory	Not mandated

8. Legality of marriage of an unmarried adulterer with his daughter born out of adultery.⁶

Shafi'i law	Hanafi law
Legal	Illegal

9. Acceptability of witness after the punishment and repentance for false accusation of adultery⁷

Maliki law	Shafi'i law	Hanbali law	Hanafi law
Acceptable witness	Acceptable witness	Acceptable witness	Unacceptable witness

⁴ Dr. Qarzavi and other Sharia-leaders.

⁵ Indian Mufti Maolana Ashraf Ali Thanvi.

⁶ Principles of Islamic Jurisprudence, - Dr. Hashim Kamali – page 29.

⁷ Muslim Jurisprudence and Quranic Law of Crimes- page 146, Codified Islamic Law Vol 3 – page 825.

10. Acceptability of witness of a person who cannot speak, even if witness is clear.⁸

Hanafi law	Shafi'i law	Hanbali law	Maliki law
Unacceptable witness	Unacceptable witness	Unacceptable witness	Acceptable

11. Legality of selling the Quran to non-Muslims.⁹

Hanafi law	Shafi'i law
Legal	Illegal

12. Punishment for robbery or rebellion against the state.¹⁰

Maliki law	Hanbali law	Shafi'i law	Hanafi law
Exile	Exile	Exile	Imprisoned for life

13. Validity of marriage between followers of Hanafi and a Shafi'i school.¹¹

Hanafi law	Shafi'i law
Valid	Invalid

14. Punishment for pregnancy of widows where there is no eye witness of adultery.¹²

Maliki law	Hanafi law
Death sentence	Complete acquittal

⁸ Codified Islamic Law Vol 2, at 263.

⁹ Shafi Law Umdat Al Salik # k.1.2.e and its explanation.

¹⁰ Principles of Islamic Jurisprudence – Dr. Hashim Kamali – page 30.

¹¹ Mohammad Omar Farooq, Qiyas (Analogical Reasoning) and Some Problematic Issues in Islamic Laws (2006), available at http://schnellmann.org/qiyas_prob.doc.

¹² Codified Islamic Law Vol 1, 299. PENAL LAW OF ISLAM, Md.Iqbal Siddiqi, 71.

THE HORROR OF “AMIRUL MU’MENEENS”

I don't know what "Caliphate" some Muslims want to reestablish today.

Many dynasties of "Ami'ul Mu'meneens" (Caliphs, - Leader of the Believers) filled Muslim history with bloodshed, wars, battles, revolts, counter revolts, assassinations, and overthrowing. They massacred properties and lives of countless people, including Muslims. On the other hand some of the Caliphs were great patrons of scholars and scholarship. It is stunning to see that amid such violence Muslim scholars and philosophers made spectacular contribution to human knowledge and created a monumental civilization. Today's human progress is indeed grateful to them.

Here is a list of the Ami'ul Mu'meneens of first few centuries – there are slight variations depending on sources.

<u>YEAR</u>	<u>BLOODSHED THAT OCCURRED</u>
656	Battle of the Camel
657	Battle of Siffin
659	Conquest of Egypt by Mu'awiyah
660	Ali recaptures Hijaz and Yemen from Mu'awiyah; Mu'awiyah declares himself as the Caliph at Damascus after Ali was assassinated
661	Khawarij revolts
680	Genocide on Prophet's grandson and companions in Karbala by Caliph Yazid
684	Abdullah b Zubair declares himself as the Caliph at' Makkah; Battle of Marj Rahat
686	Mukhtar declares himself as the Caliph at Kufa
687	Battle of Kufa between the forces of Mukhtar and Abdullah b Zubair; Mukhtar is killed
692	The fall of Makkah; Abdullah b Zubair is killed by Hjjaj Bin Yusuf
695	Khawarij revolts in Jazira and Ahwaz; Battle of the Karun
702	Ashath's rebellion in Iraq; Battle of Deir ul Jamira

737	After Muslims attacked France and were defeated, internal civil wars started again
740	Shia revolt under Zaid b Ali; Berber revolt in North Africa; Battle of the Nobles
743	Shia revolt in Khurasan under Yahya b Zaid
744	Deposition of Walid II; Shia revolt in Khurasan under Yahya b Zaid
745	Kufa and Mosul occupied by the Khawarjites
746	Revolt of Abu Muslim in Khurasan
749	Battles of Isfahan and Nihawand; Capture of Kufa by the Abbasids; A's Saffah becomes the Abbasid Caliph at Kufa
750	Battle of Zab; Fall of Damascus; End of the Umayyads
755	Revolt of Abdullah b Ali; Sunbadh revolt in Khurasan
762	Shia revolt under Muhammad (Nafs uz Zakia) and Ibrahim
767	Khariji state set up by Ibn Madrar at Sijilmasa; Ustad Sees revolt in Khurasan
772	Battle of Janbi in North Africa; Rustamid state set up in Morocco
788	Idrisid state set up in the Maghrib
799	Suppression of the revolt of the Khazars
800	The Aghlabid rule is established in North Africa
802	Execution of Jafar Barmki
814	Civil war between two brothers, Amin and Mamun; Mamun kills Amin and becomes the Caliph
815	Shia revolt under Ibn Tuba Tabs
816	Shia revolt in Makkah; Harsama quells the revolt
817	Harsama killed
820	Tahir establishes the rule of the Tahirids in Khurasan
827	Serious tension because Mamun declares the Mutazila creed as the state religion
837	Revolt of the Jats
838	Revolt of Babek in Azarbaijan suppressed
839	Revolt of Maziar in Tabaristan
843	Revolts of the Arabs
850	Mutawakkil restores orthodoxy (high tension prevails)
861	Murder of the Abbasid Caliph Mutawakkil
862	Muntasir poisoned to death
864	Zaidi state established in Tabaristan by Hasan b Zaid
865	Mutasim flies from Samarra, his deposition and accession of

	Mutaaz
867	Yaqub b Layth founds the Saffarid rule in Sistan
868	Ahmad b Tulun founds the Tulunid rule in Egypt
869	The Abbasid Caliph Mutaaz forced to abdicate, his death and accession of Muhtadi
870	Turks revolt against Muhtadi, his death and accession of Mutamid
873	Tahirid rule extinguished
874	Zanj revolt in South Iraq; Death of the Samanid ruler Ahmad, accession of Nasr
891	The Qarmatian state established at Bahrain
897	Assassination of Abul Asakir Jaish
898	Qarmatians sack Basra
905	Abdullah b Hamdan established Hamdanid rule in Mosul and Jazira; End of the Tulunid rule in Egypt
908	End of the Saffarid rule and annexation of their territories by the Samanids
909	Ubaidullah overthrows the Aghlabids and founds the Fatimid rule in North Africa
928	Mardawij b Ziyar founds the Ziyarid rule in Tabaristan
929	Qarmatians sack Makkah and carry away the Black Stone from the Holy Kaaba; In Spain, Abdur Rahman III declares himself as the Caliph
932	Murder of Abbasid Caliph Muqtadir
934	Former vizier Ibn Muqla blinded Caliph Al Qahir and imprisoned him
935	Assassination of the Ziyarid ruler Mardawij
936	By coup, Ibn Raiq becomes the Amir ul Umara
938	By another coup, power at Baghdad is captured by Bajkam
941	Assassination of Bajkam, capture of power by Kurtakin
943	Al Baeidi captures power; The Abbasid Caliph Muttaqi is forced to seek refuge with the Hamdanids; Sail ud Daula captures power at Baghdad and the Caliph returns to Baghdad; Power is captured by Tuzun and Sail ud Daula retires to Mosul
944	Muttaqi is blinded and deposed
945	The Buwayhids capture power; Deposition of Caliph Mustakafi
946	The Qarnaatiana restore the Black Stone to the Holy Kaaba
965	Alptgin founds the rule of the Ghazanavids
969	The Fatimids conquer Egypt

972	Buluggin b Ziri founds the rule of the Zirids Algeria
973	Shia Sunni disturbances in Baghdad; power captured in Baghdad by the Turkish General Subuktgin
976	The Buwayhid Sultan Izz ud Daula recaptures power
978	Power captured by Azud ud Daula; The Hamdanids overthrown by the Buwayhids
986	Sharafud Daula overthrew Sultan Samsara ud Daula
991	Deposition of the Abbasid Caliph At Taii
1010	Abdication of Hisham II in Spain
1011	In Spain, Muhammad is overthrown by Sulaiman
1012	In Spain, power is captured by Bani Hamud; Death of the Buwayhid Baha ud Daula, accession of Sultan ud Daula
1018	In Spain, power is captured by Abdul Rahman IV
1020	Buwayhid Sultan ud Daula is overthrown by Musharaf ud Daula; Death of the Fatimid Caliph AI Hakim; Accession of Al Zahir
1024	In Spain, assassination of Abdul Rahman IV; Accession of Mustafi
1031	In Spain, deposition of Hisharn III and end of the Umayyad rule
1036	Tughril Beg is crowned as the king of the Seljuks
1040	Battle of Dandanqan; The Seljuks defeat the Ghazanavids; AI Moravids come to power in North Africa
1041	The Ghazanavid Sultan Muhammad is overthrown by Maudud
1046	Basasiri captures power in Baghdad
1047	The Zirids in North Africa repudiate allegiance to the Fatimid and transfer allegiance to the Abbasids
1055	Tughril Beg overthrows the Buwayhids
1057	Basasiri recaptures power in Baghdad, deposes Al Qaim, and offers allegiance to the Fatimid Caliph
1059	Tughril Beg recaptures power in Baghdad, al Qaim is restored as the Caliph
1071	Battle of Manzikert, the Seljuks enslaved Byzantine emperor
1134	Assassination of the Abbasid Caliph Mustarshid
1135	Deposition of the Abbasid Caliph AI Rashid
1147	AI Moravids overthrown by the AI Mohads under Abul Mumin
1152	Hamadid rule extinguished in North Africa
1171	End of the Fatimids; Salahuddin creates the Ayyubid dynasty in Egypt
1173	The Khawarzam Shah Sultan Shah is overthrown by Tukush Shah

1174	Salah ud Din annexes Syria
1175	The Ghurids defeat the Guzz Turks and occupy Ghazni
1204	Shahab ud Din Ghuri defeated by the Ghuzz Turks
1210	Assassination of the Ghurid Sultan Mahmud
1211	End of the Ghurid rule, their territories annexed by the Khawarzem Shahs
1217	Abdul Haq occupy north eastern part of Morocco; The AI Mohads suffer defeat by the Marinids at the battle of Nakur; The Banu Marin defeat the AI Mobads at the battle of Nakur
1218	Othman of the Marinids returns to Morocco and occupy Fez
1223	In Spain a brother of Yusuf declares Caliphate and assumes the title AI Adil; He is overthrown by Abu Muhammad; Adil escapes to Morocco and overthrows Abdul Wahid
1227	Assassination of AI Adil
1229	Mamun defeats Yahya in Morocco with Christian help
1232	<u>AI Mamun killed</u> ; accession of his son, Ar-Rashid
1244	The AI Mohads defeat the Marinids at the battle of Abu Bayash
1248	Abu Said attacks Tlemsen, but is ambushed and killed
1250	The Marinids return to Morocco and occupy a greater part thereof
1258	The Mongols sack Baghdad; Death of the Abbasid Caliph Mustasim
1259	Abu Abdullah the Hafsid ruler declares himself as the Caliph and assumes the name of AI Mustamir
1260	In battle of Ayn Jalut the Mamluk Sultan Baybars defeats the Mongols
1267	Malik ul Salih establishes establishes Samudra Pasai state in Indonesia
1269	Marinid Sultan Yaqub defeats Mohad sultan Abu Dabbas in Morocco
1272	Yaghmurason invades Morocco but is defeated
1274	The Marinids seizes Sijilmasa from the Zayanids
1283	<u>Accession of Othman</u>
1285	Tunis is splits in Tunis and Bougie
1290	Most of the Central Maghreb is conquered by the Zayanids; Then concurrently Khiljis empire; Chughills empire, and Marinids empire continue
1307	Assassination of the Marinid Sultan Yaqub
1308	Chughills Sultan Taliku defeats the Kunjuk

1309	Taliku assassinated; In Granada, Muhammad III is overthrown by his uncle Abul Juyush Nasr
1310	In the Chughills empire, Kubak is overthrown by his brother Isan Buga; In the Marinids empire, Abu Rabeah Sulaiman is overthrown by Abu Said Othman
1312	Tunisia, In Tunis Abul Baqa is overthrown by Al Lihiani
1313	Mongols II Khans attacked Syria
1314	In Granada, Abul Juyush is overthrown by his nephew Wahid Ismail
1315	In Tunisia, war between Bougie and Tunis
1316	Malik Kafur siezes the Khiljis empire
1318	Assassination of Malik Kafur; Shahabuddin Umar defeated
1320	Khusro Khan kills Qutbuddin Mubarak and becomes Sultal; Khusro is overthrown by Ghazi Malik; In Tunisia, Abu Imran expels Abu Bakr
1321	In the Chughills empire, Hebbishsi is overthrown by Dava Temur
1322	Dava Temur overthrown by Tarmashirin
1325	In Granada, assassination of Abul Wahid Ismail and succession of his son Muhammad IV; Assassination of Muhammad IV
1330	Amir Hussain captures Baghdad and creates Jalayar dynasty; In Tunisia, Abu Bakr overthrows Abu Imran
1335	In the Chughills empire, Assassination of Changshahi
1336	In the Mongols II Khans empire, Arpa is killed; In the Ottoman Turks empire, the Turks annex the state of Karasi
1337	Musa of II Khans empire overthrown; Abdur Razaq captures Khurasan and establishes kingdom; In the Ottoman Turks empire, The Turks capture the city of Nicomedia; Algeria is occupied by Marinids
1338	In the Mongols II Khans empire, Muhammad is overthrown
1339	In the Chughills empire, Burun is overthrown
1340	The Muzaffarids conquer Kirman; The Chughill king Isun Temur is defeated
1342	In the Golden Horde empire, Tini Beg defeated by his brother Jani Beg
1343	In the Chughills empire, Muhammad overthrown
1346	In the Chughills empire, Kazan is overthrown
1347	The Marinids capture Tunisia
1349	The Zayanids under Abu Said Othman recapture Algeria

1350	In the Sarbadaran empire Amir Masud overthrew Abdur Razaq; In Tunisia, Abu Ishaq defeats Fadal
1352	The Marinids kills Abu Said Othman and capture Algeria
1354	In Granada, assassination of Abu Hallaj Yusuf and succession of his son Muhammad V.; The Muzaffarids destroys Isfahan in Iran

Do we really want to repeat that horror?

Is that really something we should be striving for to glorify Islam?

THE INVISIBLE “GLOBAL ISLAMIC SUPERSTATE”

Kamal Pasha eliminated “Islamic State” in 1924-26. Now, it has come back forcefully in an indestructible shape all over the world. Internet is full of “Fatwa-factories”; Fatwa is “Islamic legal opinion.” Millions of Muslims ask questions to the “Sharia experts” who issue Fatwa based on Sharia law; Muslims normally apply those Fatwas in their lives. It often breaks local laws and governments watch it helplessly. That is the invisible Global Islamic Superstate.

It transcends political boundaries.

Following are just four examples.

DIVORCE

“I have been divorced for three years now. The proceedings were done through a solicitor. My ex-husband did not contest therefore it was done by an agreement between us. There is something I would like to know. He has never verbally said “talaq” (divorce) to me. I have asked a few people, they tell me that under the Islamic law I am divorced, but some people tell me he must say it verbally. Please clarify this for me, as it is affecting me. I initiated the divorce on the grounds of violent behavior.”

Answer: Praise be to Allah. It is not a condition of divorce that the husband should speak the word in front of his wife or that she should know of it. When the man speaks the words of divorce, or writes them down, this is regarded as a valid divorce that takes effect, even if the wife does not know of it. If your husband has completed divorce proceedings with a lawyer, then this divorce is valid and effective. Please see questions 9593 and 20660.

POLYGAMY

“My husband wants to marry a second wife and informed me of that. I refused. My reasoning was that he is not in need of that since I have given him children and fulfill his rights. So, I said to him, “In that case, divorce me.” Am I in the right?”

Answer: You do not have the right to prevent him from marrying again, no matter what your actions are toward him. He may desire more children or he may feel that having only one wife does not keep him completely chaste. In any case, the wife does not have the right to keep him from marrying another. However, if she fears that she will treat the other wife unfairly or she believes that she will not be able to live with a co-wife, then she may seek divorce due to that need. It is not allowed to seek a divorce without the presence of a necessity.

LOVE & MARRIAGE

“I have a boyfriend who loves me. He proposed to marry me, however, my family has said no. I don't want to hurt him or tell him a lie. He is great guy and I like him, and so does my family! Please advise me on what to do!”

Answer: It is not permissible for a woman, whether she is a virgin or previously married, to get married without the permission of her guardian. . . . He should be male, . . . as the Prophet (peace and blessings of Allaah be upon him) said, “No woman may conduct the marriage contract of another woman, and no woman can conduct the marriage contract on behalf of her own self, because the zaaniyah (fornicator, adulteress) is the one who arranges things on her own behalf” (Reported by Ibn Maajah, 1782; see also Saheeh al-Jaami’, 7298). . . . The girl has to obey her family, for they know well what is in her best interests, and all they want is for her to be happy with a husband who will respect her and provide her with her rights. . . . Usually girls have little knowledge and experience of life and what is best for them, they may be deceived by some nice words, and may be ruled by their hearts rather than by their heads.

MUSIC

“The wedding parties in our country include drums, singing, and dancing. Is there any sin on me if I go to the party and sit far away from where the singing is taking place, especially at family weddings, where I can’t not go and help with permissible things, such as cooking, etc.?”

Answer: Praise be to Allah. First: It is not permissible to attend wedding parties that include reprehensible things such as singing accompanied by drums or other musical instruments, apart from the daff, or mixing between men and women, or other evils, except for one who can denounce that and thinks it most likely that he will be able to put a stop to the evil by denouncing it.

* * *

The next section highlights an article that shows the long-term and multi-phased roadmap to establish an Islamic government on Earth.

“Europe's Fatwa Factories, by Soeren Kern¹

‘Britain will have more Muslims than Kuwait in 2030, while France will have more than Jordan. All the while, Germany will have more than Oman and the United Arab Emirates combined, according to a new study titled “The Future of the Global Muslim Population.”² The sobering projections (which are highly conservative estimates) about the exponential increase of Europe's Muslim population over the next 20 years will fuel the growing controversy over Muslim mass immigration to Europe, and also add pressure on European policymakers to find ways to ensure that Muslim immigrants are better integrated into European society.

¹ Soeren Kern, Europe's Fatwa Factories (3 Feb 2011), Gatestone Institute, <https://www.gatestoneinstitute.org/1857/europe-fatwa-factories> (originally published on and available at Gatestone Institute website).

² The Future of the Global Muslim Population (27 Jan 2011), Pew Research Center, <http://www.pewforum.org/2011/01/27/future-of-the-global-muslim-population-regional-europe/>.

Efforts to improve the integration of Muslim immigrants in Europe will, however, be fiercely resisted by influential figures from within Europe's Muslim community itself, many of whom, are actively working to build parallel societies that keep Muslim immigrants isolated in exclusivist communities, and thus socially separated from their European host countries. Critics say these Muslim mini-societies are undermining not only European social cohesion, but also European democracy.³

Advocates of Muslim separatism say the Islamic worldview cannot be harmonized with Europe's secular worldview, and therefore call on Muslims living in European countries to segregate themselves and adhere only to Islamic Sharia law. European Islamic leaders, many of whom are openly hostile to Western values and laws, are also establishing Muslim lobbies to pressure European governments into synchronizing secular Western laws with Muslim religious beliefs.⁴ These initiatives are usually couched as the peaceful advocacy of minority rights, but the result is that European societies have to adapt to Islam rather than the other way around.

European fatwa councils are at the forefront of Muslim efforts to build parallel legal systems based on Sharia law. A fatwa is a legal opinion or ruling issued by an Islamic scholar on an issue where Islamic jurisprudence is unclear. In Europe, for example, fatwas routinely are issued to instruct Muslim immigrants that Sharia law is to be respected as superior to civil law and democracy.

³ Soeren Kern, Muslim Christmas in Europe (6 Jan 2011), Gatestone Institute, <https://www.gatestoneinstitute.org/1777/muslim-christmas-europe>. See also Soeren Kern, Creeping Sharia Slides Over Britain (11 Nov 2010), Gatestone Institute, <http://www.gatestoneinstitute.org/1656/creeping-sharia-britain>.

⁴ Soeren Kern, Europe's Muslim Lobby (20 Jan 2011), Gatestone Institute, <http://www.gatestoneinstitute.org/1817/europe-muslim-lobby>.

The European Council for Fatwa and Research (ECFR) is the most influential fatwa council in Europe.⁵ Based in Ireland, the ECFR is chaired by Yusuf al-Qaradawi, a demagogic Egyptian Islamic scholar and an intellectual leader of the Muslim Brotherhood. Al-Qaradawi, who is also a spiritual advisor for the Palestinian terrorist group Hamas, has defended suicide attacks against Jews as "martyrdom in the name of Allah," and has been banned from entering Great Britain and the United States.⁶

The ECFR is an integral part of the Brussels-based Federation of Islamic Organizations in Europe (FIOE), an umbrella group that unites more than 30 Muslim Brotherhood organizations in Europe, and acts as the main vehicle for propagating Muslim Brotherhood ideology in Europe.⁷ The ECFR's objective is to "present to the Muslim minorities in the West particularly" its interpretation of "the manifestation of Allah's infinite mercy, knowledge and wisdom." More specifically, an ECFR fatwa says: "Sharia cannot be amended to conform to changing human values and standards; rather, it is the absolute norm to which all human values and conduct must conform; it is the frame to which they must be referred; it is the scale on which they must be weighed."⁸

The ECFR (the English-language mission statement has been removed from ECFR's website) says it wants to achieve its aims by: a) bringing together Islamic scholars who live in Europe, b) attempting to unify the views within Islamic jurisprudence with regard to the minority status of Muslims in Europe, c) issuing collective fatwas that meet the needs of Muslims in Europe, solve their problems, and regulate their interaction with the European communities, all according Sharia, and d) conducting research on how issues arising in Europe can be resolved with strict respect for Sharia.

⁵ (Article link no longer available).

⁶ Muslim Cleric Not Allowed Into UK (7 Feb 2008), BBC NEWS, http://news.bbc.co.uk/2/hi/uk_news/7232398.stm.

⁷ (Article link no longer available).

⁸ Challenging the Applicability of Shari`ah, ISLAM ONLINE, http://www.islamonline.net/servlet/Satellite?pagename=IslamOnline-English-Ask_Scholar/FatwaE/FatwaE&cid=1119503544858, last accessed 23 April 2017.

The fatwas issued by the ECFR reflect the Muslim Brotherhood's fierce opposition to the separation of church/mosque and state. For example, a fatwa issued by al-Qaradawi on the question of "How Does Islam View Secularism" states the following:

"Since Islam is a comprehensive system of Ibadah [worship] and Sharia ["the path", legislation], the acceptance of secularism means abandonment of Sharia, a denial of the divine guidance and a rejection of Allah's injunctions.... The call for secularism among Muslims is atheism and a rejection of Islam. Its acceptance as a basis for rule in place of Sharia is a downright apostasy."⁹

A fatwa titled "Challenging the Applicability of Sharia" rules on equal rights for women states the following:

*"Those misguided people cudgel their brains in finding out lame arguments that tend to give both males and females equal shares of inheritance. . . . It is the nature of woman to be maintained and cared for by man. . . . irrespective of whether she is poor or rich."*¹⁰

A fatwa titled "Source of the Punishment for Apostasy" rules on the freedom of religion. It states the following:

"All Muslim jurists agree that the apostate is to be punished. However, they differ regarding the punishment itself. The majority of them go for killing; meaning that an apostate is to be sentenced to death."¹¹

⁹ How Islam Views Secularism, ISLAM ONLINE, http://www.islamonline.net/servlet/Satellite?pagename=IslamOnline-English-Ask_Scholar/FatwaE/FatwaE&cid=1119503545396, last accessed 23 April 2017.

¹⁰ Challenging the Applicability of Shari`ah, ISLAM ONLINE, http://www.islamonline.net/servlet/Satellite?pagename=IslamOnline-English-Ask_Scholar/FatwaE/FatwaE&cid=1119503544858, last accessed 23 April 2017.

¹¹ Source of the Punishment for Apostasy, ISLAM ONLINE, http://www.islamonline.net/servlet/Satellite?cid=1119503547222&pagename=IslamOnline-English-Ask_Scholar/FatwaE/FatwaEAskTheScholar, last accessed 23 April 2017.

In a fatwa titled "Islamic Ruling on Female Circumcision," al-Qaradawi states that although the practice is not obligatory, "whoever finds it serving the interest of his daughters should do it, and I personally support this under the current circumstances in the modern world."¹² In an interview with the London-based Guardian newspaper, al-Qaradawi says he accepts wife-beating "as a method of last resort -- though only lightly."¹³ He also says female rape victims should be punished if dressed "immodestly" when assaulted.¹⁴

In an article called "Islamic Justice Finds a Foothold in Heart of Europe," the Wall Street Journal reports that the ECFR uses the infamous anti-Semitic forgery known as the "Protocols of the Elders of Zion" in its theological deliberations.¹⁵ The Journal also says the ECFR "is part of a web of organizations that spread ideology close to the Muslim Brotherhood throughout Europe."

The Muslim Brotherhood outlined its vision for the globalization of Sharia law in a 14-page policy document called "The Project."¹⁶ Authorities in Switzerland, acting on a special request from the United States government, discovered the document in November 2001 after they entered the Swiss villa of a Muslim Brotherhood operative, Yusuf Nada. "The Project" is a long-term multi-phased roadmap to "establish an Islamic government on Earth. The document specifically calls for Muslims in Europe to establish "a parallel society where the group is above the individual, godly authority above human liberty, and the holy scripture above the laws."

¹² Islamic Ruling on Female Circumcision, ISLAM ONLINE, http://www.islamonline.net/servlet/Satellite?pagename=Islamonline-English-Ask_Scholar/FatwaE/FatwaE&cid=1119503543886, last accessed 23 April 2017.

¹³ Madeleine Bunting, Friendly Fire (29 Oct 2005) THE GUARDIAN, <http://www.guardian.co.uk/world/2005/oct/29/religion.uk1>.

¹⁴ Rajeev Syal and Julie Henry, 'For Her to be Absolved From Guilt, a Raped Woman Must Have Shown Good Conduct' (11 Jul 2004), THE TELEGRAPH, <http://www.telegraph.co.uk/news/uknews/1466715/For-her-to-be-absolved-from-guilt-a-raped-woman-must-have-shown-good-conduct.html>.

¹⁵ Ian Johnson, Islamic Justice Finds a Foothold in Heart of Europe (4 Aug 2005), THE WALL STREET JOURNAL, http://www.zmo.de/pressekit/material/Wall_Street_BG.pdf. See also The Protocols of the Elders of Zion, WIKIPEDIA, https://en.wikipedia.org/w/index.php?title=The_Protocols_of_the_Elders_of_Zion&oldid=776270202, last accessed 23 Apr 2017.

¹⁶ (Article link no longer available).

Elsewhere in Europe, the Union of French Islamic Organizations (UOIF), a large Muslim umbrella group linked to the Muslim Brotherhood, has issued fatwas that encourage French Muslims to reject all authority (namely, secular) that does not have a basis in Sharia law.¹⁷ In November 2005, for example, the UOIF issued a fatwa banning Muslims from participating in the riots that engulfed parts of France that year. At the time, Muslim youth (mostly teenagers of Arab and African origin) took to the streets after two of them were accidentally electrocuted while fleeing police. The fatwa stated: "Under Islam, one cannot get one of his/her rights at the expense of others." The UOIF reached its conclusion by citing verses from Islamic religious texts: "Lo! Allah loveth not aggressors," "Eat and drink of that which Allah hath provided, and do not act corruptly, making mischief in the earth," and "Lo! Allah loveth not the corrupt." Sheikh Ahmad Jaballah, a member of the French fatwa council, said the fatwa would send a strong message to France that the riots were un-Islamic. But French officials were infuriated that in its call for calm, the UOIF's fatwa only invoked the name of Allah and made no mention of the need for Muslim immigrants to obey French secular laws.

In Germany, the Central Council of Muslims (ZMD), a group that is linked to the Muslim Brotherhood, recently asked the ECFR to issue a fatwa on whether professional Muslim soccer players may break their fast during the holy month of Ramadan.¹⁸ The move followed a contract dispute involving second-division soccer club FSV Frankfurt, which in 2009, gave three of its players a formal warning for fasting. The fatwa states: "The Muslim professional can make good the fasting days in times when there are no matches, and so continue to pay God and the holy month of Ramadan honor and respect." In any case, the ZMD also notes that "keeping the body healthy plays a leading role in Islam."¹⁹

¹⁷ (Article link no longer available).

¹⁸ ZENTRALRAT DER MUSLIME, <http://www.zentralrat.de>, last accessed 23 Apr 2017.

¹⁹ Profifußballer dürfen im Ramadan Fasten brechen (28 Jul 2010), ZENTRALRAT DER MUSLIME, <http://www.zentralrat.de/16130.php>.

In Norway, the Islamic Council of Norway (IRN), a group that represents 60,000 Muslims there, was involved in an imbroglio about the Islamic approach to homosexuality.²⁰ The IRN wavered on whether homosexuals should face the death penalty, even though capital punishment is outlawed in Norway. It attempted to defuse criticism for its stance by asking the ECFR to issue a fatwa on the issue. The ECFR, in a fatwa titled "Homosexuality and Lesbianism: Sexual Perversions," states: "Islam emphatically forbids this deed [homosexual sex] and prescribes a severe punishment for it in this world and the next. The scholars of Islam said that the person guilty of this crime should be stoned, whether he is married or unmarried."²¹

In Sweden, the Swedish Fatwa Council recently issued a fatwa calling the December 2010 suicide attack in central Stockholm "deplorable" and "reprehensible."²² The attacker, however, attended Stockholm's biggest mosque which, like the Swedish Fatwa Council, is linked to the Muslim Brotherhood. The imam of the mosque, Sheik Hassan Mousa, is known for delivering fiery sermons (with sinister titles like "America Rapes Islam") that call for Muslims to take violent action against "infidels."²³

As for al-Qaradawi, he speaks openly about the goals of Islam: "What remains, then, is to conquer Rome. (...) This means that Islam will come back to Europe for the third time, after it was expelled from it twice. (...) Conquest through Dawa [proselytizing] that is what we hope for. We will conquer Europe, we will conquer America! Not through sword but through our Dawa."²⁴

²⁰ Islamsk Råd Norge, <http://irn.no/>, last accessed 23 April 2017.

²¹ Kaltham Alexander Lie, Verdt å kjempe for (13 Mar 2008), DAGBLADET, <http://www.dagbladet.no/kultur/2008/03/13/529539.html>. See also Homosexuality and Lesbianism: Sexual Perversions, ISLAM ONLINE, http://www.islamonline.net/servlet/Satellite?pagename=Islamonline-English-Ask_Scholar/FatwaE/FatwaE&cid=1119503547102, last accessed 23 Apr 2017.

²² (Article link no longer available).

²³ Salam Karam, Dubbla budskap i moskén (22 May 2004), SVENSKA DAGBLADET, http://www.svd.se/nyheter/inrikes/dubbla-budskap-i-mosken_147236.svd.

²⁴ Yusuf al-Qaradawi, THE INVESTIGATIVE PROJECT ON TERRORISM, http://www.investigativeproject.org/profile/167#_ftnref2 last accessed 23 Apr 2017. See also Dawah, WIKIPEDIA, <https://en.wikipedia.org/w/index.php?title=Dawah&oldid=776204138>, last accessed 23 Apr 2017.

“IT’S IN THE QURAN!”

“It is in the Quran!”

This is the most powerful and favorite slogan of Sharia supporters. It hypnotizes common Muslims and weakens their opponents. Irony is, except for the basic five tenets of Islam, the clergies hardly agree on any Quranic issues. As an example, at least five different kinds of veils for women are prescribed in the name of Islam.

Let us consider a few “clear instructions” from the Quran and Prophet and see today how many of them we (A) can observe and do, (B) can observe but do not, and (C) cannot observe at all.

THE QURAN:

- Don't transgress the limit of Saturday.¹
- Don't speak loudly in front of the Prophet.²
- The assets, women, and children of the defeated tribe are war-booties of the winning army.³
- Don't fight in revered month.⁴
- Allowed to sleep with the slave girls (the chief Saudi educationist Dr. Fawzan has endorsed slavery as an “essential part of Islam”).⁵
- Allege adultery on wife without proof and divorce her (Leyan law).⁶

THE PROPHET:

- Allow winning Muslim soldiers to rape the war-captives.⁷
- Kill enemy of Islam by lying and cheating.⁸

¹ Nahl 124. See also Al Araf 163 and Nisa 154.

² Hajrat 2.

³ E.g., Anfal 1 & 69; See also many Hadithes.

⁴ Bakara 217.

⁵ Muminun 5, 6. See also Ahzab 50.

⁶ Quran chapter Nur 6-9.

⁷ Sahi Bukhari, Vol. 3, No. 718, Vol. 5, Nos. 637 & 459. See also Sahi Muslim, No. 3432.

⁸ Sahi Bukhari, Vol. 5, No. 369.

- Destroy and burn Hindu temples.⁹
- Leave other professions and live by the spears.¹⁰
- Drink camel's urine.¹¹

So, we see that many of the “clear instructions” of the Quran and Prophet, for obvious reasons, cannot be obeyed today. Imam Shafi, in his famous book *Risala*, explains convincingly that many of the Quranic verses are for a different people, place, and period.¹²

1. One cannot talk with the Prophet (loudly or otherwise) anymore, nor will bring back slavery, even if one could.
2. Muslims themselves no longer comply with the old Arab cultures of “limit of Saturday,” “prohibited month,” “revered month,” collect Jijia tax from non-Muslims, or sever the hands of thieves.
3. The Quran permits marrying Christian and Jewish women, but Omar has stopped such marriage for some time.
4. He did not collect Jijia from Al Jurajimah tribe, did collect Jijia from a Muslim tribe, and stopped severing hand of the thieves at the time of famine.
5. Prophet used to flog drinkers 40 times but Omar raised it to 80.¹³ Following the same principles, Khalifa Mamun did not charge a Jijia tax from a Church.¹⁴
6. Prophet did not select his own successor; he left it to the people's choice. However, Abu Bakar passed on the leadership to Omar. Omar followed neither Prophet nor Abu Bakar; he formed a six-member committee to select the next Khalifa from among them.
7. Prophet illegalized “temporary marriage” (Mut'a) after many years. The daily prayer was changed from twice daily to five times a day.

⁹ Sahi Bukhari, No. 270 (translated into Bangla by Abdul Jalil).

¹⁰ See Sahi Bukhari, Vol. 4, Chap. 88.

¹¹ Sahi Bukhari, Vol. 8, No. 797.

¹² Imam Shafi's *Risala* – translated by Majid Khadduri - Page 35, 97, 200 etc

¹³ Sunan Abu Dawood, No. 4466

¹⁴ Sahi Bukhari, Vol. 2, Nos. 634 & 642. See also e.g., HASIM KAMALI, *PRINCIPLES OF ISLAMIC JURISPRUDENCE*, (Islamic Texts Society, 2005); Sahi Bukhari, Vol. 1, No. 197 (translated by Azizul Haq).

8. The Quran also changed some of its dictums.¹⁵ There was a verse to pay the Prophet Honorium to meet him privately, later it was repealed.¹⁶

When I was a child, my mother once instructed me to “go and take shower.” Yet another day she told me, “Don’t take shower.” Was she an idiot? Not at all. On the first day, I came home dirty from playground. The other day I had fever. She kept the value of my welfare intact and changed her instruction to suit the present reality. It is similar in Islam. With a changing society, the social laws must change to keep the values intact. This process of abrogation is called “Nashkh.” It is not repealing the dictum; it is like doctors changing prescriptions with the changing conditions of the patient.

¹⁵ Bakara 106. See also Nahl 101.

¹⁶ QURAN, Page 1389 (translation by Muhiuddin Khan).

DECEPTION AND DEATH OF THE CANADIAN SHARIA COURT

PART 1

The law permitting a SHARIA court was passed in 1991, when Ontario sought to streamline the overloaded court system (and save money) by diverting certain civil cases to arbitration, including arbitration conducted on religious principles¹.

September 11, 2005. It was just another Sunday morning. Who knew that this would be one of the most memorable days of my eventful life. This was the day the Canadian Sharia Court was eliminated. The day rushed back the recollections of the past, of December 16, 1971, the day Bangladesh gained independence from its opponents. In both the events we were fighting against political version of Islam. In 1971 we were fighting but in 2005 we were calm, we were determined. Once again, we stood with our heads high, above and beyond.

1991 was the year when the very first Sharia court protected by local law in the Western world was formed. Most Canadians did not know that a parallel legal system sneaked in secular and democratic Canada. Protected by this law, Darul Qada (House of Justice) was informally mediating family conflicts in Muslim communities. Fourteen years later, in 2003 they applied to the Canadian Government for arbitration status. Until then with mediation status people could appeal to Canadian court against the verdict of Darul Qada. But if the arbitration rights were granted to Darul Qada, the parties involved would lose this right and verdict of Darul Qada would be binding.

¹ Globe and Mail (29 May 2004, 12:00 AM).

“Arbitrators’ decisions are final in almost all cases. In the event that one of the parties in arbitration decides to renege on their initial agreement to accept and comply with the Arbitration decision, we will be able to enforce those arbitration decisions with the help of the Ontario/Canadian justice system.”²

This means they wanted to establish a parallel legal system in Canada.

With the news hell broke loose, Canada was stunned. Can justice be franchised? Isn't Sharia court a symbol of so called Islamic State? Besides our jobs and family we were preparing round the clock to face Darul Qada. Three organizations, Muslim Canadian Congress (MCC) Tarek Fatah, Canadian Council of Muslim Women (CCMW) led by Aliya Hogben and International Campaign Against Sharia Court in Canada led by Homa Arjumand revolted explosively against Darul Qada. The government was puzzled. Why are Muslim organizations resisting Sharia Court when they should be rejoicing?

We wrote a one-page report quoting Sharia laws from the most authentic sources showing how the laws are against Islam, human rights and Canadian values. During one hot summer afternoon, we distributed thousands of copies of the flyer to people in downtown Toronto. Canadians were shocked to see these laws.

Sharia-Bolsheviks of Darul Qada fumed, and I was invited to join Muslim Canadian Congress as its Director of Sharia law.

CCMW created a coalition of many womens' organizations and started creating public awareness about Sharia law through articles on Sharia laws in their website. We in MCC continued exposing the horror of Sharia law and inviting Darul Qada for discussion in the TV shows of Muslim Chronicle. They never responded.

² BARRISTER MUMTAZ ALI, BOOKLET OF THE DARUL QADA COURT 33 (Darul Qada publication).

We started receiving lots of emails from Canadians supporting our movement. Homa's team was fierce as well. As the victims of Sharia law, immigrant women from Iran were the experts on Sharia law. Eventually the media could not ignore our movement. The news spread in Europe like wildfire and the government of Canada started receiving emails from many humanitarian organizations in our support, including a strong statement by Roy Brown, the then president of International Humanist Ethical Union (IHEU). The government of Canada was then compelled to get involved and sought advice from ex-Attorney General of Ontario, Mrs. Marion Boyd.

That was an unwise move.

It was the very Mrs. Marion Boyd who was the Attorney general of Ontario in 1991 and was the main proponent of enacting the law allowing faith courts. So it was impossible to expect an unbiased advice from her. However, the Sharia-Bolsheviks of Darul Qada were happy to see the fate on their "Allah's Law in the hands of a non-Muslim. Both sides rushed to Boyd's office to convince her with the arguments. We tried our best to convince her about our point of view with references of the laws while she listened passionately. We felt that she understood our logic behind the argument.

But when she submitted her report to the government we were shocked and totally heartbroken. Her view was, there were some weaknesses in Sharia laws but those could be handled to ensure that no one is oppressed by the law.

Darul Qada celebrated their victory.

By this time they had huge influence on media and the politicians. Their smiling faces next to the politicians and ministers were being published. They even managed to get support from the Canadian Prime Minister Paul Martin after he was invited to attend one of their events. They regularly invited the politicians and high ranking officials. We did not have much funding to compete with them. They had many organizations supporting them; they had opportunities to reach many people through Friday sermons in the mosques. Lot of these mosques was built on funds from Middle Eastern countries. A Pakistani journalist of Toronto Star declared that we were Islam haters. He and his journalist friends kept writing against us in newspapers. Their hue and cry almost cornered us. Time and again we invited them through emails to meet and discuss this issue with us but they kept declining.

Finally, two debates took place on the TV show entitled “Muslim Chronicle” between myself and Mubin Sheikh of Al Noor Mosque—one of the loudest voices in support of Darul Qada. The outcome boosted my confidence enormously.

In the end, the grand mufti from Mauritius, Tarik Ramadan—the “most influential Islamic leader in Europe” supported us. Even though Darul Qada continued to receive support from many organizations, a survey done by the Daily Globe among 8000 Canadians, showed an overwhelming majority that voted against Darul Qada.

Popular Canadian writers gave statements against Darul Qada which created pressure on the Canadian government. Around August 8th, 2003, people protested in front of the Canadian embassies and parliaments in twelve cities including Toronto, Montreal, Vancouver, Paris, etc. It was a collaborated effort of 87 organizations from Canada and Europe led by Homa’s group. Women in front of the Canadian parliament shouted, “Hey Prime Minister, if we can put you in power, we can bring you down too!”

Both the parties were tensed. No one knew what would happen next.

On September 11th, 2005, a Sunday afternoon, I opened my computer to check my emails and to my shock, there was a message from the Prime Minister of Ontario, Dalton McGuinty! He announced that all people will live under one legal system (the Canadian judicial courts) and any separate legal system or religious court will be banned.

The Sharia-Bolsheviks tried their best to change this outcome. Sharia experts from all over the globe including from Egypt, Pakistan etc. gathered in Toronto to prepare for a good fight. They threatened to sue the government. Their decades-long effort of establishing “Allah’s Law” in the West was doomed. But they were not ready to give in yet.

We were also prepared to fight them back in the court if needed.

We had all our arguments ready, but eventually they backed out.

We were able to convince the members of the parliament about the corruption and the destruction of Sharia Law. The issue was not only of Ontario, or of Canada. It was a global matter and the outcome of our movement would impact the whole world profoundly, especially the Muslim countries, where the progressive force is weakening over time. Had Darul Qada won in Toronto, the clergies in other Canadian provinces and all over the West and Europe would have created tremendous pressure on their governments to follow suit.

History is bound to pay its price for oppressing so many people for so long. We dream and we hope that the progressive people in the societies from all over will carry the torch of freedom from the corruption and darkness of Sharia Law. We had only planted a seed of hope and one day it will grow into a huge tree to provide shelter to endless people. We may not be there on that day but our dreams will turn to reality for many generations to come!

PART 2

Here are some quotes from a booklet published and distributed by Darul Qada. The discussion below shows how Darul Qada violated Islam and Canadian values.

1. On the cover of the Darul Qada booklet, Quran Chapter 4:35 verse 35 “An Arbiter From man’s family and woman’s family.” (Quran 4:35).

In this verse, the Quran illustrates the process of arbitration of conflict between a husband and his wife: *“If you fear a breach of marriage between a man and his wife, appoint one arbiter from his family and another from hers; if they want to reconcile.”*³

What is wrong with their claim?

The cover of the booklet is an upfront violation of the Quran because the lawyers of Darul Qada are not authorized by the Quran to do the arbitration since they are not family members of the husband and his wife.

2. Syed Mumtaz Ali, the supreme leader of Darul Qada and a lawyer by profession was asked in an interview, *“Who will pay for this (arbitration)?”* His answer was, *“The parties to the dispute would pay the fees for arbitration.”*⁴

This is also an upfront violation of Islamic heritage. No Sharia court of the past Caliphates ever charged fees for their services. The Noor Mosque in Toronto has long been conducting informal mediation and arbitration in Muslim society for free.⁵ However, many Muslim lawyers strongly supported Darul Qada and some people think that it was a money-making game for these lawyers.

3. Canadian Muslims had the right to choose between Darul Qada and the Canadian court to resolve their family matters. The booklet

³ Quranic translation by Malik.

⁴ Darul Qada Booklet and Rules, at page 15.

⁵ Its member, Mawlana Mubin Shaikh, confirmed in a TV show that their service was free of charge.

claimed that if you chose the latter, “*you [could not] claim that you believe in Islam as a religion and a complete code of life actualized by a Prophet.*”⁶

This is not only emotional blackmailing but also a dangerous claim. If a Canadian Muslim goes to the Canadian court, he or she would turn into an apostate according to Darul Qada? Knowing that Sharia law allows killing of apostates? Think about this premise. Any Muslim who fell in line with Canadian courts would basically be sentencing themselves to death according to Sharia proponents as an “apostate.”

In addition, anyone who decided to murder said “apostate” would also be protected from Hudud punishment as per Sharia law. This is horrifically anti-Islamic and to say otherwise, is not just morally incomprehensible, but factually incorrect.⁷

4. The booklet of Darul Qada stated, “[o]nce the parties have agreed to be governed by Muslim PFL (personal family law of Darul Qada), then they will be committed to it by their prior consent. As a consequence, on religious grounds, a Muslim who would choose to opt out at this stage, for reasons of convenience would be guilty of a far greater crime than a mere breach of contract – and this could be tantamount to blasphemy – apostasy.”⁸

This threat is not only outrageous but again sentences anyone who “changes their mind in terms of legal venue” to literal “justified” death (under Sharia law). Breaching a legal contract with an organization, religious or not, is a legal matter and the issue can be dealt in the court.

This instance would have nothing to do with faith. It does not violate the basic criteria of being a Muslim. Nobody gave the clergies of Darul Qada any authority to define who a Muslim is. Islam does not need a broker between a believer and his Creator; threatening a believer by such statement is totally anti-Islamic.

⁶ Darul Qada Booklet and Rules, at page 9.

⁷ See chapter on Killing Apostates.

⁸ Darul Qada Booklet and Rules, at page 15.

5. There is one Shiite and four Sunni schools of thought in Sharia law. In the booklet, Syed Mumtaz Ali stated, *“If the parties involved belong to one of those schools, then the law of that particular school would be applied.”*⁹

In reality, however, it is much more complicated.

What if they are a couple of Shia and Sunni thoughts, or of different schools of Sunni thoughts? What about a case of instant divorce by a Sunni husband to his Shiite wife? Imagine, a Sunni husband has the “legal right” to instantly divorce his wife, but it is illegal in Shiite law. Even if they both are Sunni, there are conflicting laws among the four Sunni thoughts. (For details see the chapter “Contradictions Within Sharia Laws on the Same Issues.”)

6. Syed Mumtaz Ali claimed, *“[e]stablish a Darul Qada – a judicial tribunal that will, in effect, operate as a private Islamic Court of Justice without in any way infringing on any Canadian judicial jurisdiction or legal authority or violating any Canadian law.”*¹⁰

Now, let us see if his statement violates Canadian law.

- Canadian law accepts adoption. In Ali’s interview, he was asked, “[c]an a Muslim living in Canada become a guardian of a child according to Muslim Law?” His reply was, “No.”¹¹
- Ali continued, *“[i]f a person should die without leaving a will, Muslim arbitration could provide a binding legal system which is according to Muslim Law.”*¹²

So, they would distribute half of the inheritance to the daughter that the son would receive (under Muslim law with which they arbitrated). This is an upfront violation of Canadian Law.

⁹ Id.

¹⁰ Id. at page 32. (page 32).

¹¹ Id. at page 11.

¹² Id. at page 14.

- Finally, Ali claimed, “[t]o meet the needs of all Muslims living in Canada, we’ve conducted a comprehensive campaign which includes, among other things, an open dialogue. We invite both Muslims and non-Muslims to communicate their concerns to us.” (Darul Qada Booklet, at page 16).

In actuality, many Muslims—myself included—sent them emails in order to dialogue about our concerns (specifically regarding the violations of womens’ rights under Sharia law). After repeated attempts, there was no response from Darul Qada. Not one.

Ironically, deception is allowed and in some cases “*obligatory to lie if the goal is obligatory*,” according to Sharia Law. (Shafi Law Umdat al Salik r8.2). Indeed, establishing Darul Qada is obligatory to these clergies.

Darul Qada perished in Canada in 2005.

Unfortunately, however, it is functioning with complete immunity given by the local law in many countries today.

(Disclaimer - some dates and names may vary.)

**THE 42 FUNDAMENTAL ROOTS OF
SHARIA'S OPPRESSIVE APPROACH
TO WOMEN**

1. It is better for women to pray at home than at the mosque. It is offensive for an attractive or young woman to come to the mosque to pray, though it is not offensive for women who are not young or attractive since this is unlikely to cause temptation (Shafi'i Law f12.4).
2. Women can visit mosques but must not wear perfume (Sunaan Abu Dawud 2.0565).
3. Wives must shave their pubic hair if their husband returns home at night after a long journey (Sahi Bukhari 7.62.173).
4. A man will not be asked as to why he beat his wife (Sunaan Abu Dawud 11.2142).
5. If a woman is to prostrate to another person (besides Allah) it will be her husband (Sunaan Abu Dawud 11.2135).
6. If a woman abandons her husband's bed for the night, then the angels curse her until morning (Shahih Muslim 8.3366).
7. Regarding female circumcision, the Prophet said do not cut severely as that is better for a woman and more desirable for a husband. Sunaan Abu Dawud 41.5251).
8. Female circumcision is obligatory (Shafi'I Law e4.3).
9. There is no maintenance allowance or lodging for the wife who has been given an irrevocable divorce (Shahih Muslim 3514 and 3530).
10. A divorced woman must marry another man and must have intercourse with him before she can remarry her former husband (Malik's Muwatta 28.7.18).
11. A woman can't travel a day's journey without her mahram (Shahih Muslim 7.3105).
12. Majority of women are in hell (Shahih Bukhari 1.6.301).

13. Women, slaves, and camels are the same; one must seek Allah's refuge from all these (Sunaan Abu Dawud 11.2155).
14. A prayer is annulled by a passing woman, dog, and monkey (Shahih Bukhari 1.9.490).
15. Menstruation is a defect in women for they cannot fast and pray during their periods (Shahih Bukhari 3.31.172).
16. People ruled by a woman will never be successful (Shahih Bukhari 5.59.709).
17. Women should be beneath men on four things (Al-Ghazali's Ihya' Ulum al-Din, Vol. 2, 373).
18. A woman must keep her sexual organs ready for service at all times (Ibid 7, Vol. 1, 235).
19. Women are half devils (Ibid, Vol. 2, 367).
20. Never walk behind a woman. Said ibn Jubayr said, "Temptation came to David (peace be upon him) merely through a glance. Therefore, he told his son (Solomon) (peace be upon him): "O my son! Walk behind a lion or a black cobra, but never walk behind a woman" (Ibid, Vol. 2, 370).
21. A woman is like a rib; that is why she has the crookedness (Shahih Bukhari 7.62.113).
22. Women, houses and horses are evil omens (Shahih Bukhari 7.62.30).
23. Nothing is more harmful to men than women (Shahih Bukhari 7.62.33).
24. Devil advances and retires in the shape of a woman; so when one of you sees a woman, he should come to his wife and have intercourse with her (Shahih Muslim 8.3240).
25. The house, the wife, and the horse are bad luck (Shahih Muslim 26.5523).

26. Women are more harmful to men than anything else (Shahih Muslim 36.6603).
27. Muhammad has no concern for a woman who cries loudly, shaves her hair, and tears her clothes in bereavement (Shahih Muslim 1.0187, 0188).
28. Because of Eve, women are unfaithful towards their husbands (Shahih Muslim 8.3471).
29. Can't tell a wife secrets, amount of property, etc. no musical instruments for her.¹
30. A woman should beg a man not to divorce her (Shahih Bukhari 7.62.134).
31. Marriage gives the man the right to enjoy a woman's private parts (Shahih Bukhari 7.62.81).
32. Wife can't leave home (Shafi'i Law m10.4)
33. If a woman claims to be having her period but her husband does not believe her, it is lawful for him to have sexual intercourse with her (Shafi'i Law e.13.5).
34. The husband is not obliged (but rather is recommended) to pay for his wife's cosmetics, doctors fees, the purchase of medicine for her, and similar expenses (Shafi'i Law m11.4)
35. Support of a divorced wife is for 3 months (Shafi'i Law m11.10)
36. No reason is required to divorce one's wife or wives.²
37. It is recommended for a woman to wear a covering over her head (khimar), a full-length shift, and a heavy slip under it that doesn't cling to the body. (Shafi'I Law f5.6)

¹ T.P Hughes, A DICTIONARY OF ISLAM 675 (1994).

² Many references including Dr. Abdur Rahman Doi, SHARIA THE ISLAMIC LAW - page173.

38. Most scholars (except for some Hanafis, as at m2.8 below) have been recorded as holding that it is unlawful for women to leave the house with faces unveiled, whether or not there is likelihood of temptation. It is unlawful for women to be alone with a marriageable man (Shafi'i Law m2.3)
39. Some Jihadis had sex with the captive women in the presence of their husbands and some were reluctant to do so (Sunaan Abu Dawud 11.2150).
40. One can have sexual intercourse with a captive woman after she is clear of her period and/or delivery. If she has a husband, then her marriage is abrogated after she becomes a captive (Shahih Muslim 8.3432).
41. Ali had sex with booty captive women (Shahih Bukhari 5.59.637).
42. Some Jihadis practiced coitus interruption with captive women (Shahih Bukhari 7.62.137).

EPILOGUE

Many Muslim countries are slowly accepting the process of eliminating un-Islamic and inhumane Sharia laws. They have eliminated instant divorce by husbands, killing apostates, collecting Jijia tax from Non-Muslims, accepted women-leadership, etc. Recently, Dr. Yousuf Qarzavi accepted women leadership as did Dr. Jamal Badawi.

The Quran did not suddenly appear from the heavens with dictums. Initially, it brought some balance in the basically anti-women stance of the past society and then redirected it towards the future path of gender-equity. If we don't gauge the enormous difference between the two, then we will never realize the soul of Islam focusing on human welfare. The justification for giving fewer rights to the women in that society was due the inability of women to take responsibility. But it must be understood that the tribe or society bore the responsibility for their womenfolk. Today, it is different and in many cases, just the opposite.

No religion has a built in mechanism against its abuse; Islam is no different. It depends on how its religious leaders would interpret the scriptures and how the believers would apply the interpretation in real life. The Quran and Prophet (S) were interpreted in an anti-women and political way because it was possible to do so. But the hands of patriarchy and political power game are clearly visible in that interpretation. It's devastating impact on human life for centuries, Muslim and non-Muslim alike, negates its claim of being a divine religion.

TERMINOLOGY

Sharia-ism: Radical Islam is nothing but a political movement to control the world in the name of divinity. In that sense, just like “Communism” and “Capitalism” radical Islam is essentially “Sharia-Isim”. Transforming the meaning of the Quranic word “Sharia” from spiritual “Moral Guidance” to political “State-law” was a major betrayal to the Quran.

Sharia-ist: Sharia-ist is a Muslim who believes in the political interpretation of Islam and tries to establish so called “Islamic State” based on Sharia law.

Hadith: Recorded Compilation of actions and behavior of mainly the Prophet (S).

The Five Major Schools of Sharia Law: A school of Islamic jurisprudence (Sharia law) is called “MADHAB”. The Zafri School is for Shia community that is applied in Iran. The four such schools in Sunni world are Hanafi, Maliki, Shafi’i and Hanbali. Hanafi School is the major among them while Saudi Arabia applies Hanbali School.

My book attempts to the myth about Sharia law. It has been established that the laws were created based on (1) the Quran, (2) Prophet, (Ijma (consensus, and (4) Qiyas (personal reasoning of scholars). Wrong. The book shows at least 11 sources of Sharia law. The book also proves that (A) The Quran has about a dozen direct and few dozens of indirect laws (deduced from some verses). Prophet’s examples (Hadiths) have at most few hundred laws. But each of the Hanafi and Sjari’i law books has 6000+ laws. Obviously, Sharia law is mostly man-made.(B) many laws are against Human Rights (read Women Rights), the Quran, the Prophet and justice. The Imams never wanted to start any MADHAB after their names, their students did it, (C) The Sunni Imams actually wrote little (I know very little about Zafri Madhab); after their death their students added thousands of in the name of the Imams, (D) All 5 Imams were severely tortured and two of them were murdered by Caliphs. The book addresses similar other myths.

ABOUT THE AUTHOR



Hasan Mahmud, a Bangladeshi has been involved in his country's changing face for several decades. With the support of Muslims Facing Tomorrow (MFT) and a minimal funding for a core team of two dozen activists on the ground in Bangladesh, Mahmud managed to create dozens of radical free villages.

The thrust of this project is called 'Radical Free Villages' is to enlighten the villagers and demystify the myths of Sharia Law. Mahmud truly believes, if it works in Bangladesh, it can work anywhere else in the globe.

As a Biochemist, Mahmud started his career as a Technologist and then the Chief Technologist in Bangladesh and a hospital in Abu Dhabi in the mid-seventies. He then moved to Toronto, Canada in the nineties and is now a Canadian resident. He authored a book and made three short films on Sharia law to create awareness in Muslim societies about the deadly impact of political interpretation of Islam. Mahmud says that as a Human Rights Activist he was never comfortable with Muslim women having fewer rights than Muslim men in many areas of life. During 1971, still a university student, Mahmud was actively involved in the war of independence for Bangladesh (East Pakistan at the time) against West Pakistan. He was an eye-witness of one of the most heinous genocides and mass rapes in the history of mankind. It was shocking to observe how all other Muslim countries supported West Pakistan. This is when Mahmud's journey began in the quest for the root cause of violence in Islam. Mahmud noticed that not all Sharia-supporters are necessarily violent but all violent Muslims are Sharia-supporters. After decades of in-depth research, he found out that one of the major roots of violence in Muslim societies is political interpretation of Islam; Sharia law is its backbone.

This book is the English version of Mahmud's original work 'Sharia Ki Bole, Amra Ki Kori' ("What Sharia Says, What We Do") in his native language, Bangla. Mahmud believes that people in the West know Islam through the behavior of the Muslims and not from the Islamic scriptures. Muslim's brutal behavior over the years in the name of Islam on women, on non-believers and on Muslims themselves is the root of West's fear about Islam. Mahmud claims that it was clear to him that defeating radical Islam essentially means overcoming the institution of Sharia law.

Mahmud has participated in numerous international conferences as a speaker. His short films have been used as a study material in schools Toronto, Canada and in UK. The movies were also shown in Islamic conferences in UK, India and many cities in the USA and at an International film festival in California. In 2005 as the then director of Sharia law of Muslim Canadian Congress Mahmud played a significant role to eliminate the Canadian Sharia Court, the first ever Sharia court in the West supported by the law of the land.

Hasan Mahmud is Member of the Advisory Board for The World Muslim Congress, the General Secretary for Muslims Facing Tomorrow (MFT) based in Canada and founding member of Muslim Reform Movement (MRM) and American Islamic Leadership Coalition (AILC).

Apart from Islamic research Hasan is a performing musician, reciter and talk-show host in TV. He also authored numerous short stories, a book on history of Bengal, translated an Urdu book to Bangla on break of Pakistan creating Bangladesh in 1971, wrote and tuned many songs and authored and acted in many dramas and in a movie.

ABOUT THE COUNCIL FOR MUSLIMS FACING TOMORROW (MFT)

OUR MISSION is to reclaim Islam for, as the word itself means, securing Peace for all people, and to oppose extremism, fanaticism and violence in the name of religion; and

OUR VISION is to advance among Muslims the principle of individual rights and freedoms, and for Muslims to embrace the idea of openness, of relating to others as equal and deserving of equal respect, and of defending freedom of speech as the basis of all other freedoms enunciated in the constitutions of liberal democracies, such as ours in Canada; and, accordingly,

WE CONSIDER our effort is consistent with the forward-looking reading of the principle enunciated in the Qur'an, "There is no compulsion in religion;" and

WE BELIEVE our mission and vision are intimately bound with the struggle for Enlightenment among Muslims and Reform of Islam in the modern world.

In order to succeed we are dedicated to nurturing harmonious coexistence among people of all faith traditions, to supporting open and free intellectual discourse about our history beset with problems that need to be publicly discussed, and to celebrating as Canadians our cultural diversity in all of its aspects.

WHEREAS in the contemporary world the values of individual freedom, human rights and gender equality, science and democracy are cherished universal ideals, yet Muslims and non-Muslim minorities espousing these ideals in countries that are member states of the Organization of Islamic Cooperation face abuse, persecution, and violence; and

WHEREAS Muslims and people of all other faith traditions need to come together in opposing bigotry in the name of Islam as preached and practiced in the mainstream mosques in Canada and across the Muslim world;

VISION OF MFT – “God is beautiful and He loves beauty.”

These words are attributed to the Prophet. But one of Allah’s ninety-nine names is

“Husn” and Allah is the Creator of all that is beautiful in the universe. In Sura 67,

“Al Mulk,” we find the following opening verses (A.J. Arberry’s translation):

“...and He is the All-mighty, the All-forgiving —
who created seven heavens one upon another.
Thou seest not in the creation
of the All-merciful any imperfection.
Return thy gaze; seest thou any fissure?
Then return thy gaze again, and again, and thy gaze comes
back to thee dazzled, awed.”

If we distill the meaning of all of our efforts, to which we are committed, the essence is

about restoring Beauty back into living and thinking Islam that has been effectively destroyed by Islamists over the past century and ruined in our lifetime.

In other words, our struggle or jihad is against the Ugliness that has taken over Islam,

the Ugliness that has made a wasteland of our history and faith-tradition.

Today

people around the world associate all things Muslim with Ugliness, from suicide-

bombings and terrorism to the clothes worn, the features on display, the forbidding

of arts and music, the denial of everything beautiful on the grounds that beauty

(woman’s hair, for instance, or unveiled face) is Satan’s temptation to deceive

man.

Once this sense of beauty is lost, or suppressed, or violated, or forbidden, then man inwardly turns ugly and the rest follows, which is ugliness then gone to war with beauty.

Objectives of MFT

- MFT is committed to establish an ecumenical center under the name House of Abraham for individuals of all faith traditions to gather in peace, to share experiences, and to build together a place of learning and knowledge;
- MFT is committed to defend and promote the values of individual freedom, gender equality, human rights, freedom of conscience, free speech, science, and democracy;
- MFT is a non-profit community based organization dedicated to the purpose of assisting Muslims in Canada with the help of other Canadians embrace openly and freely the principles and values stated in the Canadian Charter of Rights and Freedoms;
- MFT distinguishes between Islam, as a monotheistic faith tradition, and Shari'a, as a time bound humanly constructed legal-political system in the name of Islam from the 9th-10th century that is mostly at odds with the modern world;
- MFT understands from experience the problems of Muslim radicalism are intimately linked with problems of underdevelopment and failed states, and is committed to address these problems in public forums;
- MFT is dedicated to the principle of open intellectual discourse, and of holding conferences, seminars, learning and teaching workshops on subjects relating to religion and culture;
- MFT will actively participate in national and international meetings to represent the views of Muslims who believe Islam is open to reform and to new ideas in the advancement of human knowledge, and who oppose extremism in all forms in the name of Islam or any other faith-tradition;

- MFT will actively pursue relations with members of Jewish, Christian, Buddhist, Hindu, Zoroastrian, Bahai, Sikh, First Nation Aboriginal, other faith traditions, including those who don't subscribe to any organized religion to advance cross-cultural engagements, and draw upon the collective wisdom of all of the above in advancing our common well-being; and
- MFT recognizes difficulties, threats, and challenges confronting Canada from radical or extremist Muslims declaring jihad (holy war) against those they consider infidels as well as Muslims who reject their ideology, and is committed to cooperate with governments and their agencies at federal and provincial levels on how best to counter them.

For more information on MFT, visit muslimsfacingtomorrow.com.

