

The Effect of Shari at Law on International Relations

Ms. June L. Dsouza

Gautam Buddha University, Noida, India

ABSTRACT

According to Shari at Law, every person is supposed to adhere to the written Islamic law of Prophet Mohammed's instruction. The diktats of reason or conscience have no place. Nonetheless, some Muslims use common sense and good conscience, that being the supreme reason why millions of Muslims worldwide live in relative harmony with Non-Muslims. However, in strict allegiance to Shariat, only what Allah (through the Quran) and his prophet Muhammad (through the Sunnah; the Sira and Hadiths) have to say about any given issue matters; and how Islam's greatest theologians and jurists – collectively known as the Ulema have articulated it.” This paper will inspect the vast ramifications of Islamic law, more commonly known as Shariat, for the world at large.

A Muslim cares about the religion of Islam, but all nonbelievers are affected by Islam's political views. Therefore everything in this paper views Islam from the perspective of how it affects non-Muslims. There is no judgement being made here about the religious morality of the Muslims or Islam itself.

Introduction.

Shariat is based on Islamic Law as interpreted by those in a seat of religious power. According to Shariat law it is said that they alone who follow it, “These are on a right course from their Lord and these it is that shall be successful”¹. It is discerned by Allah and his prophet Mohammed that all nations should be governed by Shariat law alone.² “To better understand Islamic law, one must appreciate the legalistic and political nature of the religion. According to Sharia, every conceivable human act is categorised as being either forbidden, discouraged, permissible, recommended, or obligatory.”³ Most non-muslims probably think that the Koran is the Bible of Islam. This is, however, the incomplete truth.

The Bible of Islam comprises the Koran, the Sira and the Hadiths; these three texts can be called the Trilogy. The Koran is a small part, only 14% of the total Islamic scriptures of the doctrine taught under Islam. The text devoted to the Sunna (Sira and Hadith) is 86% of the total textual doctrine of Islam. The legalistic precepts of Shariat, through Islam are derived only 14% from Allah⁴ and approximately 86% from Prophet Mohammed. Shariat is nothing more than a condensation and extrapolation of the Koran and the Sunna. Therefore, it is impossible to understand the Shariat without some understanding about the doctrine found in the Koran, Hadiths and the Sira.

All of the following is a discussion of strict doctrine and its interpretations whether correct or incorrect, ultimately is for the reader to decide. These are not the actual practices of peace loving muslims the world over. The deciding question is how literally any Muslim

¹ Koran Chapter 2: Verse 5.

² A classic Sharia law text is the ‘Reliance of the Traveller’, N. Keller, Amana Publications; certified as accurate by five of the greatest Islamic scholars of today.

³ Research and Writing Islam's doctrines of deception by Raymond Ibrahim, Jane's Islamic Affairs Analyst, October 2008 (<http://www.meforum.org/2095/islams-doctrines-of-deception>) referred on 16-01-2015 at 18:30.

⁴ Owing to the belief that every word in the Koran is uttered by Allah himself.

follows shariat and its precepts, as opposed to how much he uses his moral compass.

Contradictions among adherents and deviants, as regards Shariat Law.

"Moderate" Muslims – or, more specifically, secularised Muslims – do not closely adhere to Shariat law in a medieval interpretation. On the other hand, fanatical Muslims who ardently observe Sharia, sincerely live in the misplaced belief that they are ordained with the "divinely sanctioned" right to deceive non-muslims and kill⁵ the unbelievers, until "all chaos ceases, and all religion belongs to Allah"⁶. In Medina, Mohammed sat all day long beside his 12-year-old wife while they watched as the heads of 800 Jews were removed by sword.⁷ Their heads were cut off because they had said that Mohammed was not the prophet of Allah. Muslims view these deaths as necessary, because denying Mohammed's prophet-hood was, and remains, an offense against Islam. According to the different points of view, killing the 800 Jews was:

1. A tragedy.
2. A perfect sacred act.
3. Another historical event. We have done worse.

There is no "right" view of Islam, since the views cannot be reconciled."⁸

Following the terrorist attacks on the United States of America on that unfortunate 11th of September, 2001, a group of prominent Muslims

⁵ Quran 47: 4 When you meet the unbelievers in the Jihad strike off their heads....

⁶ (Quran 8:39)

⁷ The Life of Muhammad, A. Guillaume, Oxford University Press, 1982, pg. 464.

⁸ For more details see

<http://www.rightsidenews.com/2010110725988/us/islam-in-america/sharia-law-for-the-non-muslim.html#!>

Referred on 18-01-2015 at 19:00 IST.

wrote a letter to Americans saying that Islam is a tolerant religion that seeks to coexist with others. Bin Laden castigated them, saying: "As to the relationship between Muslims and infidels, this is summarised by the Most High's Word: 'We renounce you. Enmity and hate shall forever reign between us – till you believe in Allah alone' [Quran 60:4]. Thus, there is an enmity, evidenced by fierce hostility from the heart of terrorists. This hate fuels their activities and divides the world into two perpetually warring factions.

This fierce hostility ceases only if :

1. The infidel submits to the authority of Islam,
2. or if his blood is forbidden from being shed for a temporary period [a dhimmi – a non-Muslim living as a "second-class" citizen in an Islamic State⁹,
3. or if Muslims are at that point in time weak and incapable [a circumstance under which 'taqiyya' applies].

But if the hate at any time extinguishes from the heart, this is great apostasy!¹⁰

Such, then, is the basis and foundation of the relationship between the infidel and the Muslim as per the dogma of Shariat Law. The terrorist will say, "Battle, animosity and hatred, directed from the Muslim to the infidel, is the foundation of our religion. And we consider this a justice and kindness to them."¹¹

This hostile world view is traceable to Islam's schools of jurisprudence. Shariat law stems from a mindset which is deeply inculcated through

⁹ In accordance with the Holy Quran Chapter 9: Verse 29.

¹⁰ Apostacy: meaning the muslim ceases to be a muslim.

¹¹ Research and Writing Islam's doctrines of deception by Raymond Ibrahim, Jane's Islamic Affairs Analyst, October 2008 (<http://www.meforum.org/2095/islams-doctrines-of-deception>) referred on 16-01-2015 at 18:30.

constant and relentless teaching of the fundamental doctrine of Jihad. Staunch believers can be counted among the ranks of the successive kings of Saudi and ruling theocratic bureaucrats of other Islamic States who proclaim death and destruction to the unbelievers of Islam.

When addressing Western audiences, Bin Laden's tone conveniently changes. He lists numerous grievances as reasons for fighting the West – from Israeli policies towards Palestinians to the Western exploitation of women and US failure to sign the Kyoto protocol – never even daring to make the remotest reference to the doctrine of Jihad, which justifies his fight against the U.S.A simply because it is an infidel entity that must be subjugated. He carefully initiates his messages to the West by saying: "Reciprocal treatment is part of justice." If Bin Laden's words and actions represent an individual case of taqiyya, they raise questions about Saudi Arabia's recent initiatives for "dialogue". The primary Quranic verse sanctioning deception with respect to non-Muslims states: "Let believers not take for friends and allies infidels instead of believers. Whoever does this shall have no relationship left with Allah – unless you but guard yourselves against them, taking precautions."¹²

Saudi Arabia closely follows 'Sharia'. For instance, the Saudi government will not allow the construction of temples, churches or synagogues on its land; Bibles are banned and burned; non-Muslims must be on their guard not to be caught with a cross or Lord Shiva pendant dangling from the gold chain around their

neck. Non-Muslims engaged in any kind of missionary activity are arrested, tortured, and killed. Muslim converts to other religions are put to death in the kingdom of Saudi Arabia. Despite such fierce restraints on religious freedom, the Saudis have been pushing for more dialogue between Muslims and non-Muslims. At the most recent inter-faith conference in Madrid in July 2008, King Abdullah asserted: "Islam is a religion of moderation and tolerance, a message that calls for constructive dialogue among followers of all religions."

Days later, it was revealed that Saudi children's textbooks still call Christians and Jews "infidels", "hated enemies" and "pigs and swine". A multiple-choice test in a book for fourth-graders asks: "Who is a 'true' Muslim?" The correct answer is not the man who prays and fasts, but rather: "A man who worships God alone, loves the believers and hates the infidels". These infidels are the same people the Saudis want dialogue with. This raises the question of whether, when Saudis call for dialogue, they are merely following Muhammad's companion Abu Darda's advice: "Let us smile to the face of some people while our hearts curse them"? By the doctrine of Taqiyya, Islamic scholars authoritatively teach the definitive Islamic truth that God justifies and, through his prophet's example, sometimes even encourages deception, so that Muslims will not experience any ethical qualms about lying.¹³

There are verses in the Koran that show how the book serves a dual purpose of antagonism and appeasement. For example, the Koran says, *"Surely those who believe, among Jews, and the Christians, and the Sabians, whoever believes in Allah and the Last day and does*

¹² Holy Quran 3:28; see also 2:173; 2:185; 4:29; 22:78; 40:28.

¹³ The renowned strategist **Sun Tzu** (c. 722-221 BC), Italian political philosopher **Machiavelli** (1469-1527) and English philosopher **Thomas Hobbes** (1588-1679) all justified deceit in war.

*good, they shall have their reward from their Lord, and there is no fear for them, nor shall they grieve*¹⁴. By the Islamic theory of abrogation, this verse (earlier verse) is abrogated by the following (later verses): *“Unbelievers are those who say “God is the Christ, the son of Mary..”¹⁵ Unbelievers are those who say: “God is one of three.”¹⁶The Jews say that Ezra is the son of Allah, and the Christians say the Messiah is the son of Allah. Allah destroy them! How perverse they are!*¹⁷

Taqiyya – the divine right of sacred deception bestowed upon a muslim, to be used against non-muslims.

Taqiyya, simply meaning the permission to deceive, is very prevalent in Islamic politics, especially today. Taqiyya [deception] is of fundamental importance in Islam¹⁸. Sects that do not practice it are considered to diverge from the Islamic path.

Consider the case of former Al-Qaeda operative, Ali Mohammad. Despite being entrenched in the highest echelons of the terrorism network, Mohammed's confidence at dissembling enabled him to become a CIA agent and FBI informant for years. People who knew him regarded him "with fear and awe for his incredible self-confidence, his inability to be intimidated, absolute ruthless determination to destroy the enemies of Islam, and his zealous belief in the tenets of militant Islamic fundamentalism".¹⁹

¹⁴ Holy Koran Chapter 2 : verse 62.

¹⁵ Holy Quran 5:72.

¹⁶ Holy Quran 5:73

¹⁷ Holy Quran **9:30**

¹⁸ According to the authoritative Arabic text, Al-Taqiyya Fi Al-Islam.

¹⁹This paragraph is quoted from the writing of Raymond Ibrahim, (Research and Writing) Islam's doctrines of deception by Raymond Ibrahim, Jane's Islamic Affairs Analyst, October 2008. For more details see

Deception and the like schemes are propagated as a legitimate tactic under Shariat law on the basis of the belief that Allah permits scheming for the believer against the unbeliever, since Allah is the greatest schemer. For instance, the Holy Koran declares, “And they schemed, but Allah also schemed, and Allah is the best of schemers”²⁰

Codification of Quranic Verses.

Let me mention right at the outset that Islamic scholars insist that the Koran is perfect and unaltered since inception till date. They consider its contents to be the actual words of Allah himself. The scriptural passages in the Koran, however, if I may be forgiven my impertinence, suggest intrinsic human penmanship, replete with human flaws. Let us inspect just a few instances of the same:

The ‘Koran’ also spelt as ‘Quran’ clearly states that Allah created the world in six days.

- Quran 7: 54 Yourgurdian-Lord is Allah who created the heavens and earth in Six Days.
- Quran 10: 3 Verily your Lord is Allah, who created the heavens and earth in Six Days.
- Quran 11:7 He it is Who created the heavens and earth in Six Days
- Quran-25:29: He Who created the heavens and earth and all that is between, in Six Days

Yet elsewhere the Koran contradicts itself:

- Quran 41: 9 Is it that ye deny Him who created the earth in Two Days ?

(<http://www.meforum.org/2095/islams-doctrines-of-deception>) referred on 16-01-2015 at 18:30 IST.

²⁰ Holy Koran 3:54

- Quran 41: 10 He set on the (earth) Mountains standing firm high above it, and bestowed blessing on the earth, and measured therein all things to give them nourishment in due proportion, in Four Days...
- Quran 41: 12 So He completed them (heavens) as seven firmaments in Two days and ...

In regard to inheritance law: when we add up all the shares of inheritance, the total comes to more than the assets net value.

Quran 4:11-12 Concerning your children, Allah enjoins you that a male shall receive a share equivalent to that of two females. But if there are more than two females then their share is two thirds of the inheritance. If there is only one, she will receive the half. Each of your parents receives a sixth of what you leave if you have children. If you are childless and your heirs are your parents, your mother receives a third. If you have brothers (or sisters), your mother receives a sixth, after (the deduction of) any bequest you make or the repayment of any debts with regard to your father and your sons. You do not know which of them is going to benefit you more: but this fixing of portions is by Allah and He is all knowing and all wise.¹² You will inherit half of what your wives leave, provided they have left no children. But if they leave children then you inherit a quarter of what they leave, after payment of any bequest they may have made or any debt they may have incurred. Your wives shall inherit one quarter of what you leave if you are childless. But if you leave children, your wives shall inherit one eighth, after payment of any bequests or debts. If a man or woman has no direct heirs [neither children or parents] but has left a brother or sister, they each shall inherit none sixth, but if they are more than two, they share one third

between them, after payment of any bequests or debts, so that no harm is done to anyone.

Quran 4:176 They ask you for instruction. Say, 'God instructs you concerning the indirect heirs. If a person dies childless but has a sister, she receives half of what he leaves, and he is her heir if she dies childless. If there are two sisters, they receive two thirds of what he leaves. If there are brothers and sisters, the share of each male shall be that of two sisters.

Dilemma of the Ulema

"The Ulema were uncertain which verses to codify as the real Shariat law and which parts of scripture to abandon due to the fact that the Koran is vastly – forgive the term – a compilation of contradictions. The vast number of contradictory verses in the Koran posed a problem for religious dogma, for instance:

They could not decide whether to advocate the Quranic verse which states that "there is no coercion²¹ in religion" (Holy Quran 2:256), or "Fight those who do not profess the true faith (Islam) till they pay the poll tax (jiziyah) with the hand of humility..." (Holy Quran 9: 29)²²

As a way out of this dilemma, they developed the doctrine of abrogation – naskh²³, supported by Quran 2:105. This essentially states that verses "revealed" later in Muhammad's career take precedence over those revealed earlier whenever there is a discrepancy. Prophet Muhammad is quoted in the Hadiths saying: "If

²¹ No coercion, yet punishment of an apostate in Islam is, of course, the death penalty.

²² Also see Quran 9: 5 Then, when the sacred months have passed, slay the idolaters wherever ye find them and take them captive, and besiege them and prepare for them each ambush....

²³ Al-Nasikh Wa Al-Mansukh', known in English as the 'doctrine of abrogation'.

I take an oath and later find something else better, I do what is better and break my oath²⁴

Conclusion

Islam is not just a religion. It is a complete civilization with a detailed political system, religion and a legal code—the Sharia. Mohammed died without a single enemy left standing. No religious leader or prophet in the history of other religions has managed this feat. This is because conversion to Islam was not a religious process, but a political process. The world view of Shariat follows the same thought process. Muslim historian and philosopher, Ibn Khaldun²⁵ (1332- 1406), is considered an authority, succinctly expressing the worldview of Shariat/Islamic law in respect of non-muslims in the following words, "in the Muslim community, the holy war is a religious duty, because of the universalism of the Muslim mission and (the obligation to) convert everybody to Islam either by persuasion or by force". In Islam, says Ibn Khaldun, the person in charge of religious affairs is concerned with "power politics," because Islam is "under obligation to gain power over other nations" (Muqaddimah, trans. Rosenthal, p. 183)²⁶ As per a religious concept based on the ten-year treaty of **Hudaibiya**²⁷, ratified between Muhammad and his Quraish opponents in Mecca (628 A.D.), it is universally accepted to

be the Islamic worldview that ten years is theoretically the maximum amount of time Muslims can be at peace with infidels.²⁸ Mohammed was involved in an event of violence on an average of every 6 weeks for the last 9 years of his life²⁹. Sharia law is the political implementation of the Islamic civilization. The ulema have classified several non-literal forms of jihad³⁰, such as "jihad-of-the-pen" (propaganda), and "money-jihad"³¹ According to the Encyclopaedia of Islam (Brill Online edition): "The duty of jihad exists as long as the universal domination of Islam has not been attained."³²

The civilizations of the world bred the great saints and prophets spreading the message of peace, humanity, tolerance and co-existence. Under the canopy of those teachings this planet flourished like a house of different races; akin to a majestic garden with flowers of different shapes, sizes, colours, and fragrance.....The supreme question at this point is.....HOW TO PRESERVE THEIR BLOOM?

²⁴ See Sahih Bukhari V7B67N427

²⁵ For details about him see

<http://www.britannica.com/biography/Ibn-Khaldun> last referred on 05/12/2015 at 18:30 IST.

²⁶ Berkeley Center for Religion, Peace and World Affairs. For more details see

<http://berkeleycenter.georgetown.edu/quotes/ibn-khaldun-on-holy-war-as-religious-duty> last referred on 05/12/2015 at 18:00 IST.

²⁷ See

<http://www.thereligionofpeace.com/Muhammad/myths-mu-hudaibiya.htm> last referred on 05/12/2015 at 18:30 IST.

²⁸ For further study in this area see the Encyclopaedia of Islam.

²⁹ The Life of Mohammed, A. Guillaume, Oxford University press, 1955, page 660.

³⁰ Quran 8: 65 O Apostle !rouse the believers to the fight of....unbelievers.

³¹ Research and Writing Islam's doctrines of deception by Raymond Ibrahim, Jane's Islamic Affairs Analyst, October 2008 (<http://www.meforum.org/2095/islams-doctrines-of-deception>) referred on 16-01-2015 at 18:30 IST.

³² Quran 2: 191 And slay (kill) them wherever ye catch them, and turn them out from where they have turned you out such is the reward of those who suppress faith. (here I believe 'they' are mainly considered as Jews, since Ishmail was literally 'turned out'/exiled and the Arabs generally believe themselves to be descendents of Ishmail.