

# Mujahid

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SHARIAH LAW  
A source of Blessing or something to Fear ?

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# The Holy Qur'an

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتَمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيْتُ لَكُمُ الْإِسْلَامَ دِينًا

"This day I have completed My commandments-for you, and brought to it's fullness the favor that I have bestowed upon you, and have chosen Islam as your religion" (Surah Al Maidah Verse 4)

This verse shows that the Quran does not consider the prosperity and predominance of Islam, to be dependent on territorial conquest and the extension of material power, but on its being a perfect and complete religion. It draws the attention of Muslims to the fact that now all the teachings needed for moral and spiritual regeneration of man have to be embodied in the Quran, it is up to them, to win the premier place in the comity of nations by acting upon them and holding fast to them. The words ikmal (perfecting) and itmam (completing) which are noun-infinitives from (Ikmaltu) (I have perfected) and (Itmamtu) (completed) occurring in the clause, This day I have perfected your religion for you and completed My favor upon you, are full of meaning and convey two different and distinct senses. The former (i.e perfection) relates to quality, and the latter (i.e completion) to quantity. The use of the word (Itmamtu) (I have perfected) with regard to the teaching of the Quran that shows that doctrines and commandments affecting the physical, moral, and spiritual development of man have been embodied in the Quran in their most perfect form; while the word (Ikmaltu) (I have completed) shows that nothing which was needed by man has been left out. Again, the former i.e perfection, pertains to commandments relating to the physical side of man, or his external self while the latter I.e completion, relates to his spiritual side or his inner self, viz, the completion of the spiritual blessings which follow the observance of the outward Law.

# The Prophet Muhammad<sup>saw</sup> Farewell Sermon

The Holy Prophet(pbuh) gave a Farewell Sermon called the Khutbatu l-Wadā just shortly before his passing. The excerpts below demonstrate the everlasting nature of Shariah and the universality of the Holy Prophet(pbuh)'s message. During his sermon, the verse on the previous page was revealed as he concluded.

Musnad Ahmad ibn Habal Hadith #22978:

أيها الناس ألا إن ربكم واحد وإن أباكم واحد ألا لا فضل  
لعربي على أعجمي ولا لعجمي على عربي ولا لأحمر على  
أسود ولا أسود على أحمر إلا بالتقوى

You all people, Yes, your God is One, and your father is One. An Arab has no preference over a non-Arab, nor a non-Arab over an Arab, nor is a white one to be preferred to a dark one; nor is a dark one to a white one except in his Taqwa.

وَقَدْ تَرَكْتُ فِيكُمْ مَا لَنْ تَضِلُّوا بَعْدَهُ إِنْ اعْتَصَمْتُمْ بِهِ كِتَابَ اللَّهِ

I am leaving something with you that will safeguard you against all error, if you hold fast to it.  
That is Allah's book.

As soon as he concluded, the revelation came: " This day I have completed My commandments-for you, and brought to it's fullness the favor that I have bestowed upon you, and have chosen Islam as your religion' (5:4)

# Writings of The Promised Messiah<sup>as</sup>

## A GIFT FOR THE QUEEN

Therefore, this principle lays down the foundation of love, peace and harmony, and supports moral values, in that we consider all those prophets true who appeared in the world—whether in India, or Persia or China or any other country. God instilled their respect and grandeur in the hearts of millions and made firm the roots of their religion, which remained established for centuries. This is the principle that the Qur'an teaches us. In light of this principle, we honour all religious founders who fall under this description whether they are the founders of the religion of the Hindus, or the religion of the Persians, or the religion of the Chinese, or the religion of the Jews or the religion of the Christians. Unfortunately, our adversaries cannot treat us this way, and they do not bear in mind the pristine and unalterable law of God that He does not give that blessing and honour to a false prophet that He bestows upon the true one. The religion of a false prophet does not take root and does not last long as does the religion of a truthful prophet. Therefore, people subscribing to this kind of belief—who defame the prophets of other nations by declaring them false—are always enemies of peace and harmony, because there is no greater mischief than abusing the elders of other nations. Sometimes a person would rather die than hear disparaging words for his elders. If we have an objection over the teaching of a religion, we should not attack the honour of the prophet of that religion or mention him in an unseemly manner. Rather, we should object only on the current practices of that nation. We should be certain that the prophet whom God Almighty has graced with the honour of acceptance by millions, and whose acceptance has continued for centuries, is thus firmly proven to be from Allah. If he were not the beloved of God, he would not have achieved so much respect. It is not the practice of God to grant honour to a fabricator, to spread his religion among millions, and to safeguard the fabricated religion for a long time. Therefore, a religion which spreads in the world, takes root, and finds honour and long life, cannot at all be false in its origin.

-Tohfa-e-Qaisariyyah (A Gift for the Queen)



## Hazoor(aba) on separation of Mosque and State

transcript of the address delivered by Hadhrat Mirza Masroor Ahmad(aba) on the 2nd Day of the Ahmadiyya Muslim Community Germany's Annual Convention (Jalsa Salana) on 25th June 2011

On the 2nd Day of the Ahmadiyya Muslim Community Germany's Annual Convention (Jalsa Salana) on 25th June 2011, Hadhrat Mirza Masroor Ahmad(aba), Khalifatul Masih V, Fifth Successor to the Promised Messiah(as) and Head of the worldwide Ahmadiyya Muslim Community, delivered an address to an audience of over 300 non-Ahmadi guests. The majority of the guests were of German origin, whilst delegations from Macedonia, Slovenia, Kosovo, Bosnia, Albania, Bulgaria, Turkey, Malta, Hungary, Lithuania, Estonia, and various Arab countries were also in attendance. The guests included people from various professions, including doctors, teachers, lawyers, politicians, as well as ordinary citizens. We present the transcript of the address delivered by Hadhrat Mirza Masroor Ahmad(aba):

As I have said, in the Western world the Church and State are kept separate. Whatever the reasons were that led to this separation, the end result has been beneficial. This system of government runs in a much smoother and just manner. This positive experience of the Western governments is in complete contrast to what they observe in the Muslim world. What they see is the seemingly deeply religious inclinations of the Muslims. They see certain Islamic governments adopting very harsh measures and even using violence against their own people. They also observe the extreme acts of various terrorist organizations, and due to lack of knowledge and understanding, they object to Islam rather than object to the extreme acts themselves. Consequently, they display a very severe reaction against the religion of Islam. It is our claim that Islam is a universal religion, for all of mankind, which is why its teachings cover all aspects of life – from minor seemingly insignificant matters, to matters of

vast importance and international concern. The text of the Holy Qur'an remains in its exact original form today. Not even one letter has been added or taken away from it, and even many Orientalists and non-Muslim historians have testified to this truth. So what does the Holy Qur'an say? It teaches us that religion is a personal matter for each individual to determine for himself. It teaches that religion should be entirely separate from matters of state and religious differences should not cause you to act unjustly. In one verse, the Holy Qur'an teaches us that: there should be no compulsion in matters of faith (Ch.2:V.257). Some of you may not be aware that this verse was

revealed when the Holy Prophet of Islam (pbuh) had already established a government in Madinah. At the time, a covenant had already been made with the Jews and other tribes, and a functioning system of government was in place in which the Holy Prophet (pbuh) had already been accepted as Head of State. The injunction to keep religion and government independent of each other was revealed at that time and in those circumstances, even though the difference between right and wrong had become manifest, and even though the Muslims believed their religion to be true and their teachings to be unparalleled. With this injunction it became clear that these excellent teachings were to be spread through love and affection, rather than by force or by acting unjustly towards others. Allah has said that a

requirement for a just government is that it should separate religious matters from matters of State, and every citizen should be afforded his due rights. This principle is absolute and without exception, to the extent that you must act justly even with those people who have displayed hatred towards you, and who due to this opposition have persecuted you repeatedly in every possible way.

Allah has said that a requirement for a just government is that it should separate religious matters from matters of State.



The Holy Qur'an states: O ye who believe! Be steadfast in the cause of Allah, bearing witness in equity; and let not a people's enmity incite you to act otherwise than with justice. Be always just, that is nearer to righteousness. And fear Allah. Surely, Allah is Aware of what you do.(Ch.5:V.9) This is the key principle to running a government, that religion should play no part in it. Religious differences should not be an obstacle to the implementation of justice. Now, after hearing all of this, how can anyone allege that the teachings of Islam are not just? I do not believe that those who consider themselves to be just and educated can deem the teachings of Islam to be wrong once they have come to understand it. Certainly, it is a person's right to categorize those Muslim groups who do not follow the true teachings of Islam as wrong. Those who commit wrong acts and deeds should be condemned no matter what religion they subscribe to. This truly is real justice and is essential for the peace of the world, so that the values of love and affection can thrive and prosper.



# From Office of Private Secretary For Hazoor (aba)

*The below letter is addressed to Sadr Jama'at USA. It has been asked to be circulated to all members.*

Private Secretary

Hazrat Khalifatul Masih V (aba)

London, 10 January 2016

Respected Amir Sahib USA:

Assalaamu `alaikum warahmatullaahi wabarakaatuhu,

I hope you are doing well. Allah be with you.

Over the recent past, it has been noted that some individuals leave their country and come to London without having previously booked a Mulaqat, and then ask the PS Office to immediately grant them a Mulaqat. When they are asked if they have received verification from Amir Sahib and if they have received confirmation of a time for a Mulaqat, then they say that they have informed their Sadr Jama'at and has told them to proceed, the fax will be sent. In like manner, some Sadran Jama'at send the Mulaqat form directly to London without verification. Also, some Mulaqat forms do not contain any contact phone number.

Respectfully, please ensure that Sadran Jama'at and members of the Jama'at abide by these previous instructions of Hazoor-e-Anwar (aba) and make efforts to clearly distribute this guidance. Due to this, PS Office as well as those individuals who come for Mulaqat are presented with difficulties and are faced with grief.

Through announcements and circulars, please kindly remind Jama'ats once again that it is necessary for every individual who comes for Mulaqat that after sending to PS office London the verification for Mulaqat and before starting the journey, to please call the following numbers for the PS Office (0044 208877 5555 and 0044 208877 5556) and book a time for the Mulaqat. Only after this should they finalize their travel. The Mulaqat time should be settled before starting the journey to London. The act of merely faxing a verification letter does not itself book a Mulaqat. In the future, those individuals who come without following this due process will not be granted a Mulaqat.

It is our request to please clearly inform members of these matters. Additionally, aside from announcing the instructions of Hazoor-e-Anwar (aba) in Jama'ats, please also publish them from time to time in Jama'at publications and bulletins.

Jazaakumullaah ahsan al-jazaa`.

# The Essence of Shariah Law

by Ossama Saifi, Los Angeles

Where does Shariah Law come from?

Beheading, flogging, and stoning. These are the words that the average American thinks of when they hear the words, “Shariah Law.” Through the media, when Americans think of Shariah law, they think of these senseless murders that, God forbid, seem to be justified by Islam. But who can blame them? With countries such as Saudi Arabia that prohibit non-Muslims from practicing their religion, to Indonesia that in some parts has legalized stoning for adulterers, to Pakistan’s notorious blasphemy laws, it is easy to understand why anyone would believe that Shariah Law is such an insidious idea. But the reality of Shariah law is far from the idea that mainstream society understands it to be, and how so-called Muslim countries practice it.

The Arabic word “Shariah” means “a path to life-giving water.” Shariah Law is then a pathway; a way to lead mankind to water. But not any water, life-giving water. To dwell further on this etymological understanding of Shariah, we can look at the Holy Qur’an in understanding how water is understood. There are various times in the Holy Qur’an when water is referenced. By understanding these reference to water, we can gain a better understanding of what Shariah actually means.

The very first time water is referenced in the Holy Qur’an is in Surah Al-Baqarah verse 23. Allah states: “Who made the earth a bed for you, and the heaven a roof, and caused water to come down from the clouds and therewith brought forth fruits for your sustenance. Set not up, therefore, equals to Allah, while you know.” In this instance, water is designated as something that comes down from the clouds, stated after mentioning heaven is a roof for us. We are specifically told here that the water sent from Allah is the sustenance for mankind, it is through water that Allah bestows upon man that he is able to sustain himself not only physically, but also spiritually. The water here becomes a bridge for man to reach the Heavens, the roof, the apex of his being. The Holy Qur’an states in Chapter 6, verse 100: “And it is He Who sends down water from the cloud; and We bring forth therewith every kind of growth.” Here, water is sent down from Allah as a means of growth for mankind, not only sustenance. Later, in Chapter 7, verse 51





states: “And the inmates of the Fire will call out to the inmates of Heaven, ‘Pour out on us some water or some of that which Allah has provided for you.’ ” Here, water is a quality that is definitive of those who have attained the status of being in heaven in the afterlife. It is a quality distinguishable from whose actions in this life have lead them to the hell fire than from those who have reached salvation. And those in hell, will wish that they had that water which sustained those who utilized it. Chapter 8, verse 12: “When He caused sleep to come upon you as a sign of security from Him, and He sent down water upon you from the clouds, that thereby He might purify you, and remove from you the filth of Satan, and that He might strengthen your hearts and make your steps firm therewith.” Water here is clearly a means to purify oneself, something we all have the option to take advantage of while we are alive.

These verses affirm that Shariah is a path to life-giving water. Shariah is a means of

sustaining mankind, it is a way of providing growth to society, it is a quality that defines those who have attained heaven, a means of purifying oneself. It is these qualities that are inherent in the definition of Shariah Law, and if the law doesn't contain these qualities, then it isn't Shariah law. Now that we have a grasp of the principles that are inherent in Shariah Law, we need to understand where these principles are derived from. There are three components of Shariah Law, three components of Islamic Jurisprudence. First, the Holy Qur'an, second Sunnah-- the conduct of Prophet Muhammad, and lastly Hadith-- that is the words of the Prophet Muhammad (pbuh). If one's understanding of Shariah Law conflicts with these foundations then it is not Shariah. The Holy Qur'an itself is the most comprehensive book on how a person should live their life. Unlike other religious texts, the Holy Qur'an provides society with very detailed principles on how to govern property, how to deal with succession, how to care for orphans, how to maintain modesty, how to care for the elderly, how to care for the impoverished and how to care for themselves among other

guidance. But when it comes to how to govern a society, the Holy Qur'an does not say that a democracy is the best form of government, or that republic is the best form of government, or an oligarchy. The Holy Qur'an only requires that whatever form of government a society uses to govern itself, that it be based on the foundation of Adil. That is, the government be based on Justice. Now this isn't the type of justice that we see on Law and Order, we are talking about real justice, such real justice that the Holy Qur'an states a parent should be willing to testify against their own child, should be willing to testify against their own selves if that is the truth. The Holy Qur'an is filled with specific examples by which a person can better themselves, and principles to guide one's life. The Promised Messiah (as) has spoken about these principles in the Holy Qur'an that make the Holy Qur'an timeless. This raises an important question: if the Holy Qur'an is filled with principles, then how is it possible to force Shariah law? If the Holy Qur'an is based on the principle of Justice, how can it advocate for actions that are unjust? Besides understanding the principles in the Holy Qur'an, we can look at Shariah law from the Holy Prophet Muhammad (pbuh). If we want to understand Shariah law, we should



look to the saying and the conduct of the Holy Prophet Muhammad (pbuh). The Prophet Muhammad (pbuh) has said: “Allah will not bless a people which does not protect the rights of the weak.” The Prophet Muhammad (pbuh) also said, “The person most pleasing in the sight of Allah and the nearest to Him on the day of Judgment will be a ruler who is just and the farthest from Him will be a ruler who is unjust.” “Spare people punishment as far as you can and give them the benefit of every available plea— for it is better a judge to err towards leniency rather than to err towards punishment.” “You may award penalties sparingly, but it is not permissible for a ruler to abolish them altogether.”

One can look at the historical evidence how the Holy Prophet (pbuh) became the leader in Medina, at a time when it was a community of Muslims, Jews, and those who believed in idolatry. This was a position that Prophet Muhammad was elected to, by Muslims and non- Muslims alike. Was this

nation ruled with bigotry and discrimination? Far from it. Rather each people was judged according to their own laws, Jews judged by Mosaic law and Muslims by Islamic Jurisprudence.

Prophet Muhammad created the Charter of Medina, one of the first example of a constitution between people in human history, that charter had the following rights for non-Muslims:

1. The security of God is equal for all groups,.
2. Non-Muslim members will have the same political and cultural rights as Muslims. They will have autonomy and freedom of religion.
3. Non-Muslims will take up arms against the enemy of the nation and share the cost of war. There is to be no treachery between the two.
4. Non-Muslims will not be obliged to take part in religious wars of the Muslims.

One can look at the letter prophet Muhammad sent to the Monks of the St. Catherine Monastery in Mt. Sinai.

The letter stated:

"This is a message from Muhammad ibn Abdullah, as a

covenant to those who adopt Christianity, near and far, we are with them.

Verily I, the servants, the helpers, and my followers defend them, because Christians are my citizens; and by Allah! I hold out against anything that displeases them.

No compulsion is to be on them.

Neither are their judges to be removed from their jobs nor their monks from their monasteries. No one is to destroy a house of their religion, to damage it, or to carry anything from it to the Muslims' houses.

Should anyone take any of these, he would spoil God's covenant and disobey His Prophet. Verily, they are my allies and have my secure charter against all that they hate.

No one is to force them to travel or to oblige them to fight. The Muslims are to fight for them.

If a female Christian is married to a Muslim, it is not to take place without her approval. She is not to be prevented from visiting her church to pray. Their churches are to be respected. They are neither to be prevented from repairing them nor the sacredness of their covenants. No one of the nation (Muslims) is to disobey the



covenant till the Last Day (end of the world). When one looks as these esteemed examples of our beloved Prophet Muhammad (pbuh), it becomes clear that Shariah Law is not something that is to be forced upon a people. As the Holy Qur'an states, there is no compulsion in religion (2:257). Even the Holy Prophet (pbuh) was told, that he is just a messenger: "Admonish, therefore, for thou art but an admonisher; thou hast no authority to compel them."(Qur'an 88:22-23). If the Prophet Muhammad (pbuh) was told that the beloved Prophet (pbuh) was just to be an admonisher, then how could it be possible for some mufti or mullah to compel a person to act a certain way. When one consolidates all of this, one begins to understand that ultimately Shariah Law is just one's path to God. Shariah Law is about one fasting during Ramadan, giving Zakat to help

those in poverty and performing one's prayers five times a day. To be a good person, that is what Shariah Law is about. About the relationship one has with Allah. We all, every day, should do our best to practice Shariah Law. When one looks at the verse in the Holy Qur'an where we are told that the punishment for a person who steals is to cut off their hand, what we really find out is that it really isn't about cutting off hands. The verse states: "And as for the man who steals and the woman who steals, cut off their hands in retribution of their offense as an exemplary punishment from Allah. And Allah is Mighty, Wise." (Qur'an 5:39). When a person is told this verse, they are often not told the next verse which states: "But whoso repents after his transgression and amends, then will Allah surely turn to him in mercy; verily, Allah is Most Forgiving, Merciful."

(Qur'an 5:40). Repenting and amending one's way is an easy, get of out jail free card for any person who steals. That is because this verse isn't about cutting hands, it's about a person recognizing their mistake and not doing it again. Because we are told in the next verse: "Dost thou not know that Allah is He to Whom belongs the kingdom of the heavens and the earth? He punishes whom He pleases and forgives whom He pleases; and Allah has power to do all things." (Qur'an 5:41) This verse, humbles man and reminds him, that it is God who is the actual leader of the universe, it is God who decides whom to punish and whom to forgive. Shariah Law is about our relationship with God, and how we can reach the heights of heaven through the gift of Shariah that Allah, the Almighty has bestowed upon us.

# Did Prophet Muhammad(pbuh) Impose Shariah on non- Muslims?

by Amir Aziz, Amherst



## The Meaning and Essence of Sharia

**B**efore we begin the discussion on the topic of

this essay, it is important to cover the core definition and essence of Sharia—what it actually means in light of the teaching of the Holy Quran. Sharia translates to ‘path to follow’ or is also understood as ‘path to water’. This etymology is derived from verse 45:19 of the Holy Quran: Then We set thee on a clear path in the matter of religion; so follow it, and follow not the evil inclinations of those who know not. Here, the word ‘Sharia’ appears in Arabic for ‘path’ along with the commandment to follow it,

hence Sharia is a ‘path to follow’.

The purpose of religion is to purify the soul, achieve Paradise and gain proximity to Allah. Water is a source of purification for the body and critical to sustaining life in the physiological sense. In the Holy Quran, water is also mentioned in a spiritual sense as a source of purification for the soul. Holy Quran Chapter 8, Verse 12 states: ...and He sent down water upon from the clouds, that thereby He might purify you, and remove from you the filth of Satan, that He might strengthen you hearts and make your steps firm therewith.

In the third verse of Surah Jummah, it is narrated the raising of Hazrat Muhammad

(pbuh) who recited the verses to his followers and purified them. The next verse states this will happen again in the future. In the well-known Hadith prophecies about the Messiah descending upon a white minaret to the east of Damascus, there is an important detail that is sometimes missed. This is that the Messiah, with his resting upon the shoulders of angels, will have heavenly water dripping down from his forehead. This is a reference to the spiritual water that will purify those who will accept and follow the Promised Messiah (as).

The Promised Messiah (as) writes about this spiritual sense of water in his book ‘How To Be Free From Sin’:

“True salvation cannot be found in filthy water. The water that cleanses the heart comes from heaven at its appointed time, and the river that carries it is free from dirt and filth, and its clean and pure water is eagerly used by people. The heart which has been blessed with the knowledge of God and with conviction is like a full-flowing river that irrigates all the fields in its way, and whose cool and clear water brings peace and solace to their burning hearts. Such water is not only pure but it also purifies others by granting them wisdom that cleanses the rust of their hearts and makes them averse to sin.”

Hence, the meaning of Sharia develops into ‘path to water’ or ‘path to life-giving water’. Essentially, this means that if the Quran is followed wholeheartedly with all its injunctions and commandments, then it is a path that leads one to purification and thus to Paradise and nearness to Allah Almighty. The Holy Quran is a book of guidance from Allah Almighty to the whole of mankind for all facets of life: for individuals and for communities.

Indeed, for an individual Muslim and for those Muslims who may be rulers of communities of diverse backgrounds and religions, it is crucial to abide by all the injunctions of The Holy Quran. One of the better known verses of the Holy Quran that get a lot mention these days is 2:257—Let there be

no compulsion in religion. Religion is a matter of the heart and mind, of reflection and conviction. For any individual or society that seeks to employ Sharia law, its essence is betterment and purification. Claiming to practice Sharia while an individual or society remain stuck in corruption, as happens in many Muslim nations today, goes against the meaning of Sharia.

Therefore, it is inconceivable that the Prophet Muhammad (pbuh) would violate any injunction or law of the Holy Quran and impose Sharia Law on non-Muslims. For anyone to follow a path to purification they must at first be convinced of it. Imposing such a law on anyone will be self-defeating and could not lead to purification as the person or peoples forced into following it will not do it wholeheartedly—in fact, they will likely disfavor the idea just because it was imposed on them.

Let us now examine the life and governance practices of the Prophet Muhammad (pbuh) to validate the fact that he never imposed Sharia Law on non-Muslims.

#### The Charter of Medina

Prophet Muhammad (pbuh) and his followers were brutally persecuted in Mecca for the first thirteen years after openly declaring his prophethood and the message of Islam. Some Muslims migrated to the nearby Christian Kingdom of Abyssinia. Eventually, most Muslims would leave Mecca and settle in the town of Medina.

Prophet Muhammad (pbuh) was invited to serve as Chief Arbitrator of Medina. Medina at the time was embroiled in feuds between mainly Jewish and Polytheist tribes. The Medinites had been searching for someone who could arbitrate between the tribes with equity and fairness. In the Prophet Muhammad (pbuh) they would have seen someone who believed in the Biblical prophets and the unity of God like the Jews and yet was from the Quraish tribe which was mainly polytheist. He expounded the Islamic principle of justice and fairness. He would have been thought of as someone ideal for such a position. It would have gone against his responsibilities and the great trust that was placed in him if he began imposing Sharia law on the non-Muslims of Medina. Certain articles of the Constitution of Medina mention the Jewish tribes as one

community with the Believers. It is stated that the Jews will be allowed to practice their own religion. It is well known that when Jews came to the Prophet Muhammad (pbuh) for a judgment or arbitration he would present them with the option of being judged by Jewish Law. The articles propagate all the different tribes of Medina as one community or 'ummah' and that if war breaks and peace is lost with one section of the community, it would extend to the entire community. It is the first known constitution in history that established citizenry and equality before the state regardless of one's religion or social background.

Napoleon Bonaparte, one of the prime icons of the French Renaissance and the modern liberal ideal, stated: "I the time is not far off when I shall be able to unite all the wise and educated men of all the countries and establish a uniform regime based on the principles of the Quran which alone are true and alone can lead men to happiness". American founding-father Benjamin Franklin said: "If the mufti of Constantinople sent a missionary to preach Mohammedanism to us, he would find a pulpit at his service." And John Adams called Muhammad, "a sober inquirer after truth."

Academics have reasoned that such admiration is owed to the principles of freedom, justice, diversity and equal rights enshrined in the constitution drafted by Prophet Muhammad (pbuh) as chief arbitrator of Medina. These are powerful testimonies to the fact that Prophet Muhammad (pbuh) never imposed Sharia law on non-Muslims but fully adhered to the Islamic universalist commandment of "let there be no compulsion in religion". This core ideal of the freedom of religion is also enshrined in author Michael Hart's book: "The 100: A Ranking of the Most Influential Persons in History". Michael states that the reason he picked Prophet Muhammad (pbuh) as the most influential person in history is that he was not only a religious leader, but was successful as a secular leader too.

#### Letter of Protection St. Catherine's Monastery

The true teachings of Islam are also recognized by the actions and declarations of Muhammad who provided a document of protection to Christians at St. Catherine's Monastery at Mount Sinai. Below is an excerpt from this document which has been cited by several western academics as evidence that Islam does not preach enforcement of religion nor deny its freedom.

"...whenever monks, devotees and pilgrims gather together, whether in a mountain or valley, or den, or frequented place, or plain, or church, or in houses of worship, verily we are [at the] back of them and shall protect them, and their properties and their morals, by Myself, by My Friends and by My Assistants, for they are of My Subjects and under My Protection. I shall exempt them from that which may disturb them; of the burdens which are paid by others as an oath of allegiance. They must not give anything of their income but that which pleases them—they must not be offended, or disturbed, or coerced or compelled. No one is allowed to plunder the pilgrims, or destroy or spoil any of their churches, or houses of worship, or take any of the things contained within these houses and bring it to the houses of Islam. And he who takes away anything therefrom, will be one who has corrupted the oath of God, and, in truth, disobeyed His Messenger. Verily I shall keep their compact, wherever they may be, in the sea or on the land, in the East or West, in the North or South, for they are under My Protection and the testament of My Safety, against all things which they abhor... Do no dispute or argue with them, but deal according to the verse recorded in the Koran, to wit: 'Do not dispute or argue with the People of the Book but in that which is best' [29:46]. Thus they will live favored and protected from everything which may offend them by the callers to religion (Islam), wherever they may be and in any place they may dwell. Should any Christian woman be married to a Muslim, such marriage must not take place except after her consent, and she must not be prevented from going to her church for prayer. Their churches must be honored and they must not be withheld from building churches or repairing convents. They must not be forced to carry arms or stones; but the Muslims must protect them and defend them against others. It is positively incumbent upon every one of the Islam



nation not to contradict or disobey this oath until the Day of Resurrection and the end of the world.” (Excerpts from “The Covenants of the Prophet Muhammad with the Christians of the World” by Dr. John Andrew Morrow, Angelico Press / Sophia Perennis, 2013)

### The Conquest of Mecca

One of the watershed moments of Prophet Muhammad’s (pbuh) life was the conquest of Mecca towards the end of his life. It was a bloodless conquest. At this point the Holy Prophet (pbuh) was in a position of absolute power over some of his most bitter enemies of the past. Yet he did not impose Sharia law or compel anyone to become a Muslim. There can be no greater testimony to this fact during his life. Even idol-worshippers were not compelled against their religious beliefs.

In the final farewell address of Prophet Muhammad (pbuh) he had emphasized that no

Arab has superiority over a non-Arab and vice versa. This would include any Arab Muslims who deemed themselves superior or harbored any notion of imposing Sharia Law on others.

### Allegations that Verses of Quran Suggest Imposition of Sharia Law

Despite the weight of history and arguments given above, many continue to allege that imposition of Sharia Law can be established from certain verses of the Holy Quran. This allegation is crafted by isolating a verse, avoiding any discussion on background and context, and not caring to reconcile it with other verses of the Quran advocating freedom of religion.

Arguably the most cited verse of the Holy Quran in this regard is 9:29-- Fight those from among the People of the Book who believe not in Allah, nor in the Last Day, nor hold as unlawful what Allah and His Messenger have declared to be unlawful, nor follow the true religion, until they pay the tax with their own hand and

acknowledge their subjection. This verse is from Surah Taubah which primarily deals with confrontation with those groups of idolaters and People of the Book (Jews and Christians) who unfairly and unjustly maintained an enmity to the Islamic movement favoring alliances and avenues that would result in its destruction. If non-Muslim groups in Arabia did not participate in aiding to destroy the Islamic movement, then no such injunction would apply. This can be reconciled with 60:9-- Allah forbids you not, respecting those who have not fought against you on account of your religion, and who have not driven you forth from your homes, that you be kind to them and act equitably towards them; surely Allah loves those who are equitable.

Also worthy of note in verse 9:29 is the enunciation of those People of the Book who do not believe in Allah and the Last Day. Since we know that God and the Day of Judgment are articles of faith for Jews and Christians, this statement



would then mean those who do not do so by virtue of their deeds and actions. Last but not least, the verse ends with “pay the tax with their own hands”. The five-volume commentary of this verse states that once such groups have been overcome, they could pay the Jizya which was a voluntary tax for military protection of non-Muslim communities under an Islamic government. The verse enunciates “by their hand” which here is figurative meaning that they would pay this by choice, not forcibly. Just the mention of this tax for non-Muslims in verse 9:29 is sufficient to conclude that there is no commandment here to impose Sharia Law on non-Muslims.

#### Conclusion

Hence, by virtue of the teachings of the Holy Quran and legacy of Holy Prophet Muhammad (pbuh), Sharia law is essentially the practice of Islamic injunctions and teachings that lead to the purification of an individual and a society that in itself must guarantee the freedom of religion under the command of Allah in verse 2:257, “Let there be no compulsion in religion”.

# The Bill of Rights, the Holy Qur'an and the Holy Prophet<sup>pbuh</sup>

by Zohaib Zafar, Cleveland

In the face of continuing Islamophobia in America, the only solution to this epidemic is for Americans to learn more about Islam. This is no less different for American Ahmadi Muslim Khuddam. I am going to outline how Islamic teachings coordinate with the Bill of Rights without contradicting them at all. Alhamdulillah, the true essence of America and Islam are both very compatible with one another. Background on Bill of Rights: The Bill of Rights is the collective name for the first ten amendments to the United States Constitution. The Bill of Rights in just 462 words restricted the role of the federal government and established personal freedoms and rights for Americans. Trump and other so called “constitutionalists” will use the Bill of Rights to advance their own personal agendas that are in fact at odds with it. For example, former Presidential candidate Ben Carson said that he did not believe a Muslim could become President because they could not abide by the Constitution which ironically completely violates the First Amendment as well as the No Religious Test clause. If we as

American Ahmadi Muslim Khuddam develop a basic understanding of the Bill of Rights, we can better defend Islam and become more informed voters regardless of our partisanship. I have included the entire text of the Bill of Rights in this article so there is no room for misunderstanding it. The Bill of Rights has become interpreted in many different ways. However, there is still a general understanding that the Bill of Rights establishes certain freedoms such as the freedom of speech and freedom religion. It also helps establish the criminal justice system. Separation of Mosque and State is important so this article will not about delve into political controversy such as how we should vote when it comes to the Second amendment and so forth. Rather it will demonstrate how the agreed upon principles found in the Bill of Rights are not at odds with Islam.

1st Amendment: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the

Government for a redress of grievances.”

Contrary to popular perception, Mohammad(saw) strongly believed in freedom of religion. In a society that was significantly more religiously diverse than America is today, the Medina Charter secured the rights of everyone in Medina including non-Muslims preceding the Constitution by a millennia. In Medina, Jewish people as well as Polytheists were given complete religious freedom. Freedom of speech is also valued in Islam. Even the Holy Prophet(saw) took the advice of a Majlis al-Shura. As Ahmadi Muslims, we believe that there should be only a few limitations on freedom of speech. For example, Khalifatul Masih, may Allah be his helper, has pointed out how in Germany it is forbidden to publicly deny the Holocaust, likewise he explains that certain blatantly offensive acts, such as burning the Qur'an, should be prohibited. If something is only meant to create discord in society why should it then be allowed? Since the founding of the country, there has been many limitations placed on the freedom of speech and press. One example is in *Schenck v. United States*. In this case, the defendant's speech in

opposition to the draft in WW1 was ruled as not protected under the First Amendment. Supreme Court Justice Oliver Wendell Holmes compared the defendant's actions to falsely "shouting fire in a crowded theater." It is very intuitive for why this should be prohibited. There have many occurrences in which falsely shouting fire in a crowded venue resulted in the loss of life. Burning a Holy Qur'an is not much different than falsely shouting fire. It serves no purpose except to anger people. When Terry Jones and the Dove World Outreach Center burned the Holy Qur'an, it led to the 2011 Mazar-i-Sharif Attack in which 14 lives were lost. President Obama pleaded that they do not do this but the Center was not in violation of any law. Regardless of what the law dictates about blasphemous or offensive actions, the Holy Qur'an is direct about what we as individuals are supposed to do when it happens. In Surah Al-Furqan Verse 64, Allah, the All-Mighty, says "And the servants of the Gracious God are those who walk on the earth in a dignified manner, and when the ignorant address them, they say, 'Peace!'" The Holy Qur'an mentions blasphemy five different times but does not permit Muslims to carry out punishments for it a single time. Allah, the All-Mighty can wipe out an entire nation in the blink

of an eye; He does not rely on us to carry out punishments on His behalf.

2nd Amendment:

"A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

The Holy Prophet saw would pursue every avenue to peace and went to war as a last resort. That being said, he believed that people had a right to defend themselves. The Second Amendment is about protecting Americans from a tyrannical government. There is a question of how America should craft her gun laws and often people cite the Second Amendment as part of their claims regarding this. This is a well debated issue that we should seek information about and make our own individual decisions.

3rd Amendment: "No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law."

The Third amendment forbids the quartering of soldiers in private homes without the permission of the owners during peacetime. Islamic teachings do not contradict nor coordinate with this amendment. The third amendment was specifically written in the face of the British Army lodging soldiers in private

homes through the passage of the Quartering Act. This was very upsetting for the founding fathers who then established this amendment.

4th Amendment: "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the other persons or things to be seized."

The fourth amendment establishes our right to privacy as Americans. Allah, the Almighty says in Surah Al-Nur Verse 28, "O ye who believe enter not houses other than your own until you have asked leave and saluted the inmates thereof. This is better for you that you may be heedful." Allah commands Muslims to be respectful of people's privacy within their own homes. Therefore, as Americans we are granted the right to privacy and as Muslims, we must respect people's right to privacy.

5th Amendment: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for

33, “On account of this, We prescribed for the children of Israel that whosoever killed a person, unless it be for killing a person or for creating disorder in the land, it shall be as if he had killed all mankind; and whoso gave life to one, it shall be as if he had given life to all mankind. And Our Messengers came to them with clear signs, yet even after that, many of them commit excesses in the land.” Indeed, the Promised Messiah(as) explains that “The Holy Qur'an teaches that whosoever kills a person without a justifiable cause will be as if he killed the whole World.” Due process ensures that no one’s life is taken without a justifiable cause which is wholly compatible with Islam’s position on the issue.

6th Amendment: “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.”

Before the Holy Prophet(saw) was called to prophethood, he

was well regarded by his countrymen as “Al-Amin” the Trustworthy and would be asked to arbitrate disputes. Justice is very important in Islam as is swiftness. The Holy Qur'an states in Surah Al-Nisa Verse 59, “Verily, God commands you to make over the trusts to those entitled to them, and that, when you govern between men, you judge with justice.” This justice is implemented in the American legal system through “an impartial jury of the State.” The American legal system may indeed be much swifter and more just than the judicial systems found across much of the Muslim World today. Yet it still has its flaws. In the last few years, a lot of attention has been brought to the inequality between how African Americans and others, particularly White Americans, are treated by the criminal justice system. Historically speaking, African Americans have generally been given heftier punishments for the same crimes committed by White Americans. This has no basis in Islam nor in the Bill of Rights.

7th Amendment: “In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.”

This Amendment codifies the

right to Jury Trials in certain civil cases. Jury trials have many benefits and are a way to make sure that the State does not abuse its power. Needless to say, there is no Islamic teaching that prohibits us from Jury Trials. There is allegations that Muslims want to bring “Shariah law” or “Shariah courts” to America. The Jammah has already been upholding the Shariah in America for many years through the Qadha board. The Qadha board works on divorce cases and other civil disputes that otherwise the government would have had to handle which saves the government and those who participate both time and money. All participants in this process choose to be part of the process and are not coerced whatsoever. This is in line with Surah Al Baqarah Verse 256, “There is no compulsion in religion. Surely, the right way has become distinct from error; so whosoever refuses to be led by those who transgress, and believes in Allah has surely grasped a sure handle which knows no breaking. And Allah is All-Hearing, All-Knowing.”

8th Amendment: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted”

The Holy Prophet(saw) said that “Moderation is the key to success.” In light of this, The Holy Prophet(saw) even allowed POW’s who were against his divine mission to secure their freedom if they taught ten illiterate people. Furthermore, he prohibited torture. According to the World Prison Brief, currently our nation has more prisoners than any other nation.



We have also tortured innocent people in the war against terrorism. This has no basis in the Bill of Rights nor in the teachings of the Holy Prophet(saw).

9th Amendment: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” The Bill of Rights is a very amazing piece of literature.

This amendment explains how we the people have rights that are not included here. Some of the founding fathers believed that liberty was too difficult to articulate so the Bill of Rights could lead to the limiting of liberty. The founding fathers included this amendment as a precaution against that.

10th Amendment: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

The tenth amendment outlines Federalism in America. The Federal government shares power with the State governments and this can be broadly defined as Federalism. As long as we as Ahmadi Muslims are allowed to fulfill our religious obligations and have freedom of religion, we must stay loyal to the American government. The form of government that establishes this does not matter to us in this

regard. What matters is if freedom of religion is established and it clearly is in the very first amendment. The Qur'an mandates this in Surah Al-Nisa Verse 60. Allah, the Exalted says “O ye who believe, obey Allah and obey the Prophet and obey those in authority from among you” The Bill of Rights can get a bit technical and at one point, it becomes our own individual responsibilities to interpret it and vote accordingly. Also, lawmakers and other actors have to decide where one right ends and another one begins. Should burning a Qur'an and thus placing American's

abroad in Muslim countries at risk be protected under the First Amendment? Obviously not. However, we can clearly understand that the Bill of Rights protects our rights as Muslims who are American. This article is about how there is no inherent contradiction between the Bill of Rights and Islam. What this means is that the Islamophobia we are witnessing has to stop and religious intolerance must be kept out of politics. May Allah allow us all to be law-abiding and well informed citizens.



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